

Conversation Contents

Foreseeable Harm Memo

Attachments:

/88. Foreseeable Harm Memo/1.1 Foreseeable Harm 11.13.17.docx
/88. Foreseeable Harm Memo/2.1 Foreseeable Harm 11.30.17.docx

"Strayhorn, Darrell" <darrell.strayhorn@sol.doi.gov>

From: "Strayhorn, Darrell" <darrell.strayhorn@sol.doi.gov>
Sent: Thu Nov 30 2017 11:28:32 GMT-0700 (MST)
To: "Cafaro, Cindy" <cindy_cafaro@ios.doi.gov>
Subject: Foreseeable Harm Memo
Attachments: Foreseeable Harm 11.13.17.docx

Questions/Comments through page 4.

--

Darrell R. Strayhorn
FOIA & Privacy Act Appeals Officer
Department of the Interior
(202) 208-5339

"[We all are] subject to some answering." -- [Redacted], 2015

"Strayhorn, Darrell" <darrell.strayhorn@sol.doi.gov>

From: "Strayhorn, Darrell" <darrell.strayhorn@sol.doi.gov>
Sent: Thu Nov 30 2017 12:00:27 GMT-0700 (MST)
To: "Cafaro, Cindy" <cindy_cafaro@ios.doi.gov>
Subject: Re: Foreseeable Harm Memo
Attachments: Foreseeable Harm 11.30.17.docx

Here are my final comments on this. I had two additions to sections that I already sent to you as reviewed, footnotes with citations to the FOIA and the Privacy Act. I also updated the date in the title of the document so that we can keep better track.

I'm available to chat if needed. Thanks again for giving me the opportunity to review this.

--

Darrell R. Strayhorn
FOIA & Privacy Act Appeals Officer
Department of the Interior
(202) 208-5339

"[We all are] subject to some answering." -- [Redacted], 2015

On Thu, Nov 30, 2017 at 1:28 PM, Strayhorn, Darrell <darrell.strayhorn@sol.doi.gov> wrote:

Questions/Comments through page 4.

--

Darrell R. Strayhorn
FOIA & Privacy Act Appeals Officer
Department of the Interior
(202) 208-5339

"[We all are] subject to some answering." -- [Redacted], 2015

Memorandum

To: Bureau and Office FOIA Officers

From: Cindy Cafaro, Departmental FOIA Officer

Subject: Foreseeable Harm

I. Introduction

This memorandum examines one aspect of the Freedom of Information Act (FOIA) Improvement Act of 2016—foreseeable harm. While this is an emerging legal area and more guidance may be forthcoming, this guidance provides background and instructions on when to (b) (5) with subject matter experts (SMEs) and/or the Office of the Solicitor (SOL).

II. Background

The FOIA generally gives members of the public the right to request Federal agency records and requires agencies to make records that are responsive to these requests promptly available.¹ However, the FOIA has nine exemptions to this general rule of mandatory disclosure.² Before the 2016 amendments to the FOIA, some administrations held that if one or more of the nine FOIA exemptions applied to a responsive record (or portion of the record), the analysis on whether to withhold the record in full or in part was over and the record (or portion of the record) should be withheld. Other administrations adopted an additional policy requirement for an agency to withhold a record, requiring the agency (b) (5) to not only identify a FOIA exemption that applies³ to the record (or portion of the record), but also to *reasonably foresee* that the disclosure of the record (or portion of the record) would harm an interest protected by that exemption. This latter administrative requirement, generally known as the foreseeable harm standard, is based on a view (b) (5) a record that is technically (b) (5) protected from disclosure by an exemption should not be withheld from a requester unless (b) (5). The FOIA Improvement Act of 2016 generally adopted (b) (5) the foreseeable harm standard (b) (5) and made it statutory.

¹ (b) (5)
(b) (5)

² See the attached Appendix for a general overview of the nine FOIA exemptions (b) (5)
(b) (5)

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Therefore, identifying a FOIA exemption that applies to a responsive record (or portion of the record) is usually not the end of your analysis.

(b) (5)

III. Analysis

A. When Do You Coordinate with SOL and/or the SME?

(b) (5)

(b) (5)

If a responsive record cannot be withheld under any of the nine FOIA exemptions, you cannot withhold it and you do not have to coordinate with SOL (although you can alert people that the record is going to be released, which you should consider doing especially if the subject of the records relates to a sensitive issue or a matter that is prospectively or currently in litigation).

If a responsive record (or a portion of it) can be withheld under one or more of the nine FOIA exemptions, more (b) (5) is necessary. If you plan to withhold it because either a

(b) (5)

(b) (5)

CHART 1		
If	Then	And
No FOIA exemption applies to <u>any portion of a responsive record</u>	You cannot withhold it	You do not have to conduct a foreseeable harm analysis or coordinate with SOL, although you can alert people that the record is going to be released

(b) (5)

⁴ See, e.g., 43 C.F.R. § 2.23(c) (requiring bureaus to consult with SOL before they withhold a record in full or in part)

(b) (5)

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(b) (5)

(b) (5)

B. What Type of Analysis is Needed?

As discussed above, if a FOIA exemption applies to a responsive record (or portion of the record), you must also determine whether a foreseeable harm analysis (b) (5) (see subsection III.B.1 below) or whether it is reasonably foreseeable that harm to an interest protected by the exemption would result from the disclosure (see subsections III.B.2 and 3, below).

1. No Foreseeable Harm Analysis (Exemption 1, 3, and 4)

(b) (5) the FOIA Improvement Act, a foreseeable harm analysis is specifically not required for records (or portions of records) that are either: 1) protected by a statute other than the FOIA (b) (5) or 2) otherwise prohibited from disclosure by law.

(b) (5)

(b) (5)

When reviewing records to determine whether these three exemptions apply, you must carefully review all portions of the records to be sure they fall within the scope of the claimed exemption. You must also reasonably segregate any non-exempt information in order to make a partial disclosure, if possible.

2. Very Concise Foreseeable Harm Analysis (Exemptions 6 and 7)

For records covered by (b) (5) Exemptions 6, and 7), a detailed foreseeable harm analysis is unnecessary because of what they protect: personal privacy (*Exemption 6 and 7(C)*) and records or information (b) (5) compiled for law enforcement purposes (*Exemption 7*). (b) (5) Disclosure of (b) (5) records is not always prohibited by law⁶, however, (b) (5) exclude foreseeable harm analysis in the FOIA Improvement Act. Articulating a foreseeable harm for records covered by Exemptions 6 and 7 should be quite straightforward (b) (5)

(b) (5)

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(b) (5)

When reviewing records to determine whether these exemptions apply, you must carefully review all portions of the records to be sure they fall within the scope of the claimed exemption. You must also reasonably segregate any non-exempt information in order to make a partial disclosure, if possible.

3. Detailed Foreseeable Harm Analysis (Exemptions 2, 5, 8, and 9)

(b) (5)

Exemption 2: protects records that are related solely to the internal personnel rules and practices of an agency (for example, records an agency typically keep to itself for its own use that only relate to issues of employee relations and human resources). Articulating a foreseeable harm for records covered by Exemption (b) (5) under limited circumstances (for example, records (b) (5) harm arising from the release of (b) (5)

(b) (5)

Exemption 5: protects inter-agency or intra-agency materials⁷ that would normally be privileged in civil discovery, such as the deliberative process privilege (which protects records that are predecisional and about a legal or policy matter), the attorney-client privilege (which protects confidential communications between an attorney and her client relating to a legal matter for which the client has sought professional advice), and the attorney work-product privilege (which protects records prepared by an attorney in reasonable contemplation of litigation).

- The foreseeable harm arising from the release of materials covered by the deliberative process privilege (for example, drafts) may be: injury to the decisionmaking process, a chilling effect on discussion, hasty or uninformed decisionmaking, and public confusion.⁸

⁶ It is possible that records covered by Exemption 6 and 7(C) will be protected by the Privacy Act, but it will not always be the case. If they are prohibited from disclosure by the Privacy Act, no further foreseeable harm analysis will be necessary (b) (5)

⁷ If this threshold is not met, Exemption 5 cannot protect the record. See *Dep't of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 11-12 (2001)

⁸ Since 2009 (when the foreseeable harm test was still a policy, rather than legal, requirement), the FOIA Appeals Office has required Foreseeable Harm Statements for all FOIA appeals that challenge a bureau's/office's decision to withhold records (or portions of records) based on FOIA Exemptions 2, 5, and/or 9.

(b) (5)

- The foreseeable harm arising from the release of materials covered by the attorney-client privilege (for example, confidential emails between an attorney and her client asking for legal advice) may be that the lawyer would no longer be kept fully informed by their client, resulting in unsound legal advice and advocacy.
- The foreseeable harm arising from the release of materials covered by the attorney work-product privilege (for example, attorney notes made in reasonable anticipation of litigation) may be a harm to the adversarial trial process by exposing the attorney's preparation to scrutiny.

(b) (5) for example, a draft document that varies from a final, released version in only a few typographical particulars or decades old litigation notes from a long-resolved case), (b) (5) the record must be disclosed.

When considering whether foreseeable harm would arise from the release of record protected by Exemption 5, consider the nature of the decision involved; nature of the decisionmaking process; status of the decision; status of the personnel involved; potential for process impairment; significance of any process impairment; age of the information in the record; and sensitivity of individual record portions—SEE CHART 2.

CHART 2		
Primary factors to consider if the record is protected by Exemption 5	Which leads to questions	Which leads to conclusions
Nature of the decision involved	Is it highly sensitive and/or controversial	The less sensitive and/or controversial, the less likely foreseeable harm would arise
Nature of the decisionmaking process	Does it require total candor and confidentiality?	The less candor and confidentiality required, the less likely foreseeable harm would arise
Status of the decision	Has the decision been made yet?	If the decision has been made, it is less likely foreseeable harm would arise
Status of the personnel involved	Will the same agency employees, or similarly situated ones, likely be affected by disclosure?	If the same employees, or similarly situated ones, are not likely to be affected by disclosure, it is less likely foreseeable harm would arise
Potential for process impairment	Would there be an actual diminishment if employees felt inhibited by potential disclosure?	If the process would not be actually impaired or diminished if employees knew disclosure was possible, it is less likely foreseeable harm would arise
Significance of any process impairment	How strong would the chilling effect be?	If the chilling effect would be weak, it is less likely foreseeable harm would arise

Age of the information in the record	Has the sensitivity faded over time? Was the record created more than 25 years before the request was made?	If the sensitivity has faded over time, it is less likely foreseeable harm would arise. If the record was created more than 25 years before the request was made, the deliberative process privilege will no longer apply
Sensitivity of individual record portions	Can the sensitive materials be segregated from non-sensitive materials?	If the sensitive materials can be non-sensitive materials, it is less likely foreseeable harm would arise from releasing the segregated materials

As a general rule, as illustrated by CHART 2, active deliberative matters are inherently more sensitive than closed matters. Closed matters may nevertheless retain some sensitivities that can be protected from release. The articulation of harm in such closed matters must be particularly clear.

Exemption 8: protects information of agencies responsible for the regulation or supervision of financial institutions and is nearly never used by the Department.

Exemption 9: protects geological and geophysical information and data, including maps, concerning wells (water wells, natural gas wells, and oil wells all are included). It is possible, though not always the case, that the foreseeable harm arising from the release of information covered by Exemption 9 could be unfair competitive harm arising to oil and gas explorers and extractors from speculators. It is also possible, though also not always the case, that the foreseeable harm arising from the release of the data would be placing one party at a disadvantage in negotiations over the use of the contents of the well.

When reviewing records to determine whether these exemptions apply, you must carefully review all portions of the records to be sure they fall within the scope of the claimed exemption. You must also reasonably segregate any non-exempt information in order to make a partial disclosure, if possible.

IV. Conclusion

If you have any questions or need assistance, please contact your Bureau FOIA Officer and/or contact me at 202-208-5342 or at cindy_cafaro@ios.doi.gov.

ATTACHMENT

Cc: Timothy Murphy, Assistant Solicitor, Division of General Law, Office of the Solicitor
Darrell Strayhorn, FOIA and Privacy Act Appeals Officer, Department of the Interior

Appendix to Foreseeable Harm Memorandum: Overview.

This Exemption	May Protect this Type of Information	Conduct
Exemption 1	Classified national defense and foreign policy information	No foreseeable harm analysis
Exemption 2	Information related solely to the internal personnel rules and practices of an agency	Detailed foreseeable harm analysis
Exemption 3	Information protected from disclosure by another federal law	No foreseeable harm analysis
Exemption 4	Trade secrets and commercial or financial information obtained from a person and privileged or confidential	No foreseeable harm analysis
Exemption 5	Inter-agency or intra-agency communications protected by civil discovery privileges (such as the deliberative process privilege, attorney-client privilege, and attorney work-product privilege)	Detailed foreseeable harm analysis
Exemption 6	Information which would constitute a clearly unwarranted invasion of personal privacy if disclosed	Very concise foreseeable harm analysis
Exemption 7	Information compiled for law enforcement purposes, if disclosure: (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source; (E) would disclose techniques, (b) (5) procedures for law enforcement investigations or prosecutions and (b) (5) guidelines (b) (5) could be reasonably expected to risk circumvention of the law; or (F) could reasonably be expected to endanger the life or physical safety of any individual	Very concise foreseeable harm analysis
Exemption 8	Information relating to the supervision of financial institutions prepared by or for an agency responsible for such supervision	Detailed foreseeable harm analysis
Exemption 9	Geological or geophysical information concerning wells	Detailed foreseeable harm analysis

Memorandum

To: Bureau and Office FOIA Officers

From: Cindy Cafaro, Departmental FOIA Officer

Subject: Foreseeable Harm

I. Introduction

This memorandum examines one aspect of the Freedom of Information Act (FOIA) Improvement Act of 2016—foreseeable harm. While this is an emerging legal area and more guidance may be forthcoming, this guidance provides background and instructions on when to (b) (5) with subject matter experts (SMEs) and/or the Office of the Solicitor (SOL).

II. Background

The FOIA¹ generally gives members of the public the right to request Federal agency records and requires agencies to make records that are responsive to these requests promptly available.² However, the FOIA has nine exemptions to this general rule of mandatory disclosure.³ Before the 2016 amendments to the FOIA, some administrations held that if one or more of the nine FOIA exemptions applied to a responsive record (or portion of the record), the analysis on whether to withhold the record in full or in part was over and the record (or portion of the record) should be withheld. Other administrations adopted an additional policy requirement before an agency could withhold a record, requiring the agency (b) (5) to not only identify a FOIA exemption that applied to the record (or portion of the record), but also to *reasonably foresee* that the disclosure of the record (or portion of the record) would harm an interest protected by that exemption. This latter administrative requirement, generally known as the foreseeable harm standard, was based on a view that (b) (5) a record that is technically (b) (5) protected from disclosure by an exemption should not be withheld from a requester unless (b) (5) The FOIA Improvement Act of 2016 generally adopted (b) (5) the foreseeable harm standard (b) (5) and made it statutory.

¹ 5 U.S.C. § 552.

(b) (5)

³ See the attached Appendix for a general overview of the nine FOIA exemptions (b) (5)

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Therefore, identifying a FOIA exemption that applies to a responsive record (or portion of the record) is usually not the end of your analysis.

(b) (5)

III. Analysis

A. When Do You Coordinate with SOL and/or the SME?

(b) (5)

(b) (5)

If a responsive record cannot be withheld under any of the nine FOIA exemptions, you cannot withhold it and you do not have to coordinate with SOL (although you can alert people that the record is going to be released, which you should consider doing especially if the subject of the records relates to a sensitive issue or a matter that is prospectively or currently in litigation).

If a responsive record (or a portion of it) can be withheld under one or more of the nine FOIA exemptions, more (b) (5) is necessary. If you plan to withhold it because either a

(b) (5)

(b) (5)

CHART 1		
If	Then	And
No FOIA exemption applies to <u>any portion of a</u> responsive record	You cannot withhold it	You do not have to conduct a foreseeable harm analysis or coordinate with SOL, although you can alert people that the record is going to be released
A FOIA exemption applies to a responsive	You must consider whether:	If you believe (1) foreseeable harm would result from the release of the

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(b) (5)

⁵ See, e.g., 43 C.F.R. § 2.23(c) (requiring bureaus to consult with SOL before they withhold a record in full or in part).

(b) (5)

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(b) (5)

(b) (5)

B. What Type of Analysis is Needed?

As discussed above, if a FOIA exemption applies to a responsive record (or portion of the record), you must also determine whether a foreseeable harm analysis (b) (5) (see subsection III.B.1 below) or whether it is reasonably foreseeable that harm to an interest protected by the exemption would result from the disclosure (see subsections III.B.2 and 3, below).

1. No Foreseeable Harm Analysis (Exemption 1, 3, and 4)

(b) (5)

ords (or portions of records) that are either: 1) protected by a statute other than the FOIA (b) (5) or 2) otherwise prohibited from disclosure by law. As a result, a foreseeable harm analysis is unnecessary for records covered by certain FOIA exemptions.

(b) (5)

When reviewing records to determine whether these three exemptions apply, you must carefully review all portions of the records to be sure they fall within the scope of the claimed exemption. You must also reasonably segregate any non-exempt information in order to make a partial disclosure, if possible.

(b) (5)

2. Very Concise Foreseeable Harm Analysis (Exemptions 6 and 7)

For records covered by certain FOIA exemptions (Exemptions 6, and 7), a detailed foreseeable harm analysis is unnecessary. A harm analysis is built into these exemptions because of what they protect: personal privacy (Exemption 6 and 7(C)) and records or information (b) (5) compiled for law enforcement purposes (b) (5) Exemption 7). (b) (5) Disclosure of (b) (5) records is not always prohibited by law, however, (b) (5) exclude them from a foreseeable harm analysis in the FOIA Improvement Act. Articulating a foreseeable harm for records covered by Exemptions 6 and 7 should be quite straightforward (b) (5)

(b) (5)

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(b) (5)

When reviewing records to determine whether these exemptions apply, you must carefully review all portions of the records to be sure they fall within the scope of the claimed exemption. You must also reasonably segregate any non-exempt information in order to make a partial disclosure, if possible.

3. Detailed Foreseeable Harm Analysis (Exemptions 2, 5, 8, and 9)

(b) (5)

Exemption 2: protects records that are related solely to the internal personnel rules and practices of an agency (for example, records an agency typically keep to itself for its own use that only relate to issues of employee relations and human resources). Articulating a foreseeable harm for records covered by Exemption (b) (5) under limited circumstances (for example, recurring interview questions). The foreseeable harm arising from the release (b) (5) of interview questions that we re-use for particular vacant positions would interfere with our ability to properly assess the qualifications of the applicants.

(b) (5)

Exemption 5: protects inter-agency or intra-agency materials⁸ that would normally be privileged in civil discovery, such as the deliberative process privilege (which protects records that are predecisional and about a legal or policy matter), the attorney-client privilege (which protects confidential communications between an attorney and her client relating to a legal matter for which the client has sought professional advice), and the attorney work-product privilege (which protects records prepared by an attorney in reasonable contemplation of litigation).

- The foreseeable harm arising from the release of materials covered by the deliberative process privilege (for example, drafts) may be: injury to the decisionmaking process, a chilling effect on discussion, hasty or uninformed decisionmaking, and public confusion.⁹

⁷ It is possible that records covered by Exemption 6 and 7(C) will be protected by the Privacy Act (5 U.S.C. § 552a), but it will not always be the case. If they are prohibited from disclosure by the Privacy Act, no further foreseeable harm analysis will be necessary. (b) (5)

⁸ If this threshold is not met, Exe

math Water

Users Protective Ass'n, 532 U.S. 1, 11-12 (2001)

⁹ Since 2009 (when the foreseeable harm test was still a policy, rather than legal, requirement), the FOIA Appeals Office has required Foreseeable Harm Statements for all FOIA appeals that challenge a bureau's/office's decision to withhold records (or portions of records) based on FOIA Exemptions 2, 5, and/or 9. (b) (5)

- The foreseeable harm arising from the release of materials covered by the attorney-client privilege (for example, confidential emails between an attorney and her client asking for legal advice) may be that the lawyer would no longer be kept fully informed by their client, resulting in unsound legal advice and advocacy.
- The foreseeable harm arising from the release of materials covered by the attorney work-product privilege (for example, attorney notes made in reasonable anticipation of litigation) may be a harm to the adversarial trial process by exposing the attorney's preparation to scrutiny.

(b) (5) (for example, a draft document that varies from a final, released version in only a few typographical particulars or decades old litigation notes from a long-resolved case) (b) (5) the record must be disclosed.

When considering whether foreseeable harm would arise from the release of record protected by Exemption 5, consider the nature of the decision involved; nature of the decisionmaking process; status of the decision; status of the personnel involved; potential for process impairment; significance of any process impairment; age of the information in the record; and sensitivity of individual record portions—SEE CHART 2.

CHART 2		
Primary factors to consider if the record is protected by Exemption 5	Which leads to questions	Which leads to conclusions
Nature of the decision involved	Is it highly sensitive and/or controversial	The less sensitive and/or controversial, the less likely foreseeable harm would arise
Nature of the decisionmaking process	Does it require total candor and confidentiality?	The less candor and confidentiality required, the less likely foreseeable harm would arise
Status of the decision	Has the decision been made yet?	If the decision has been made, it is less likely foreseeable harm would arise
Status of the personnel involved	Will the same agency employees, or similarly situated ones, likely be affected by disclosure?	If the same employees, or similarly situated ones, are not likely to be affected by disclosure, it is less likely foreseeable harm would arise
Potential for process impairment	Would there be an actual diminishment if employees felt inhibited by potential disclosure?	If the process would not be actually impaired or diminished if employees knew disclosure was possible, it is less likely foreseeable harm would arise

Significance of any process impairment	How strong would the chilling effect be?	If the chilling effect would be weak, it is less likely foreseeable harm would arise
Age of the information in the record	Has the sensitivity faded over time? Was the record created more than 25 years before the request was made?	If the sensitivity has faded over time, it is less likely foreseeable harm would arise. If the record was created more than 25 years before the request was made, the deliberative process privilege will no longer apply
Sensitivity of individual record portions	Can the sensitive materials be segregated from non-sensitive materials?	If the sensitive materials can be non-sensitive materials, it is less likely foreseeable harm would arise from releasing the segregated materials

As a general rule, as illustrated by CHART 2, active deliberative matters are inherently more sensitive than closed matters. Closed matters may nevertheless retain some sensitivities that can be protected from release. The articulation of harm in such closed matters must be particularly clear.

Exemption 8: protects information of agencies responsible for the regulation or supervision of financial institutions and is nearly never used by the Department.

Exemption 9: protects geological and geophysical information and data, including maps, concerning wells (water wells, natural gas wells, and oil wells all are included). It is possible, though not always the case, that the foreseeable harm arising from the release of information covered by Exemption 9 could be unfair competitive harm arising to oil and gas explorers and extractors from speculators. It is also possible, though also not always the case, that the foreseeable harm arising from the release of the data would be placing one party at a disadvantage in negotiations over the use of the contents of the well.

When reviewing records to determine whether these exemptions apply, you must carefully review all portions of the records to be sure they fall within the scope of the claimed exemption. You must also reasonably segregate any non-exempt information in order to make a partial disclosure, if possible.

IV. Conclusion

If you have any questions or need assistance, please contact your Bureau FOIA Officer and/or contact me at 202-208-5342 or at cindy_cafaro@ios.doi.gov.

ATTACHMENT

Cc: Timothy Murphy, Assistant Solicitor, Division of General Law, Office of the Solicitor

Darrell Strayhorn, FOIA and Privacy Act Appeals Officer, Department of the Interior

Appendix to Foreseeable Harm Memorandum: Overview.

This Exemption	May Protect this Type of Information	Conduct
Exemption 1	Classified national defense and foreign policy information	No foreseeable harm analysis
Exemption 2	Information related solely to the internal personnel rules and practices of an agency	Detailed foreseeable harm analysis
Exemption 3	Information protected from disclosure by another federal law	No foreseeable harm analysis
Exemption 4	Trade secrets and commercial or financial information obtained from a person and that is privileged or confidential	No foreseeable harm analysis
Exemption 5	Inter-agency or intra-agency communications protected by civil discovery privileges (such as the deliberative process privilege, attorney-client privilege, and attorney work-product privilege)	Detailed foreseeable harm analysis
Exemption 6	Information which would constitute a clearly unwarranted invasion of personal privacy if disclosed	Very concise foreseeable harm analysis
Exemption 7	Information compiled for law enforcement purposes, if disclosure: (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source; (E) would disclose techniques, (b) (5) procedures for law enforcement investigations or prosecutions and (b) (5) guidelines (b) (5) could be reasonably expected to ntion of the law; or (F) could reasonably be expected to endanger the life or physical safety of any individual	Very concise foreseeable harm analysis
Exemption 8	Information relating to the supervision of financial institutions prepared by or for an agency responsible for such supervision	Detailed foreseeable harm analysis
Exemption 9	Geological or geophysical information concerning wells	Detailed foreseeable harm analysis

Conversation Contents

You around?

"Murphy, Timothy" <timothy.murphy@sol.doi.gov>

From: "Murphy, Timothy" <timothy.murphy@sol.doi.gov>
Sent: Thu May 10 2018 05:58:50 GMT-0600 (MDT)
To: "Cafaro, Cindy S" <Cindy_Cafaro@ios.doi.gov>
Subject: You around?

I have some thoughts on the awareness. But need coffee...maybe we can meet in the bistro?

Conversation Contents

Fwd: FOIA Request SOL-2018-00133 - Awareness Review

Attachments:

/22. Fwd: FOIA Request SOL-2018-00133 - Awareness Review/1.1 FOIA Request SOL-2018-00133 (Tobias).pdf
/22. Fwd: FOIA Request SOL-2018-00133 - Awareness Review/1.2 SOL-2018-00133 Combined Responsive Documents.pdf
/22. Fwd: FOIA Request SOL-2018-00133 - Awareness Review/1.3 Decision Letter SOL-2018-00133 (Tobias).pdf
/22. Fwd: FOIA Request SOL-2018-00133 - Awareness Review/2.1 FOIA Request SOL-2018-00133 (Tobias).pdf
/22. Fwd: FOIA Request SOL-2018-00133 - Awareness Review/2.2 SOL-2018-00133 Combined Responsive Documents.pdf
/22. Fwd: FOIA Request SOL-2018-00133 - Awareness Review/2.3 Decision Letter SOL-2018-00133 (Tobias).pdf

"Moore, Angela" <angela.moore@sol.doi.gov>

From: "Moore, Angela" <angela.moore@sol.doi.gov>
Sent: Tue May 01 2018 09:54:49 GMT-0600 (MDT)
To: Cindy Cafaro <cindy_cafaro@ios.doi.gov>
Subject: Fwd: FOIA Request SOL-2018-00133 - Awareness Review
Attachments: FOIA Request SOL-2018-00133 (Tobias).pdf SOL-2018-00133 Combined Responsive Documents.pdf Decision Letter SOL-2018-00133 (Tobias).pdf

Hi Cindy,

The attached FOIA decision letter and responsive documents were sent to Kathleen Benedetto for an awareness review. We have not received a response since April 6.

Thanks for any help you can provide.

Angela

Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, N.W.
Washington D.C. 20240
Office: (202) 208-5079
angela.moore@sol.doi.gov

----- Forwarded message -----

From: Moore, Angela <angela.moore@sol.doi.gov>
Date: Thu, Apr 12, 2018 at 4:00 PM
Subject: Re: FOIA Request SOL-2018-00133 - Awareness Review
To: James Cason <james_cason@ios.doi.gov>, Kathleen Benedetto <kbenedetto@blm.gov>, "Purvis, Lance" <lance.purvis@sol.doi.gov>

Good afternoon Jim and Kathleen,

Please see the attached FOIA request, responsive documents and decision letter for your awareness review.

Thank you,

Angela

Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, N.W.
Washington D.C. 20240
Office: (202) 208-5079
angela.moore@sol.doi.gov

On Fri, Apr 6, 2018 at 7:35 PM, Joshua Campbell <joshua.campbell@sol.doi.gov> wrote:
Angela,

I see my name mentioned on one document, although I have been confused with another Josh Campbell at DOI before. I don't recall any knowledge of this meeting/matter whatsoever, nor did I attend any meeting with this person. I will double

OS-2018-00959-00772

check that fact, however. Given my lack of knowledge and involvement here, would that affect the release of this document or my name in terms of responsiveness thresholds? Can we conduct an additional review as to that before my name is released? I would want to know the legal rationale, etc., for the release, irrespective of the final decision, before my name is released. I would assume this is not a difficult request.

Best regards,

Josh

Sent from my iPhone

On Apr 6, 2018, at 3:15 PM, Moore, Angela <angela.moore@sol.doi.gov> wrote:

Good afternoon,

Attached please find a FOIA request with the accompanying draft decision letter, and 15 pages of responsive documents which mention the following individuals: Joshua Campbell, Dan Jorjani, James Cason, and Kathy Benedetto.

In light of new agency guidance, we want to ensure you are aware of the response. Please advise if you are agreeable with this release by Wednesday, April 11.

Thank you,

Angela

Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
[1849 C Street, N.W.](#)
[Washington D.C. 20240](#)
[Office: \(202\) 208-5079](#)
angela.moore@sol.doi.gov

<FOIA Request SOL-2018-00133 (Tobias).pdf>

<SOL-2018-00133 Combined Responsive Documents.pdf>

<Decision Letter SOL-2018-00133 (Tobias).pdf>

"Cafaro, Cindy" <cindy_cafaro@ios.doi.gov>

From: "Cafaro, Cindy" <cindy_cafaro@ios.doi.gov>
Sent: Tue May 01 2018 09:56:52 GMT-0600 (MDT)
To: Robert Howarth <robert_howarth@ios.doi.gov>
Subject: Fwd: FOIA Request SOL-2018-00133 - Awareness Review
Attachments: FOIA Request SOL-2018-00133 (Tobias).pdf SOL-2018-00133 Combined Responsive Documents.pdf Decision Letter SOL-2018-00133 (Tobias).pdf

We should chat.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

----- Forwarded message -----

From: Moore, Angela <angela.moore@sol.doi.gov>
Date: Tue, May 1, 2018 at 11:54 AM
Subject: Fwd: FOIA Request SOL-2018-00133 - Awareness Review
To: Cindy Cafaro <cindy_cafaro@ios.doi.gov>

Hi Cindy,

The attached FOIA decision letter and responsive documents were sent to Kathleen Benedetto for an awareness review. We have not received a response since April 6.

Thanks for any help you can provide.

Angela

OS-2018-00959-00773

Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, N.W.
Washington D.C. 20240
Office: (202) 208-5079
angela.moore@sol.doi.gov

----- Forwarded message -----

From: Moore, Angela <angela.moore@sol.doi.gov>
Date: Thu, Apr 12, 2018 at 4:00 PM
Subject: Re: FOIA Request SOL-2018-00133 - Awareness Review
To: James Cason <james_cason@ios.doi.gov>, Kathleen Benedetto <kbenedetto@blm.gov>, "Purvis, Lance" <lance.purvis@sol.doi.gov>

Good afternoon Jim and Kathleen,

Please see the attached FOIA request, responsive documents and decision letter for your awareness review.

Thank you,

Angela

Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, N.W.
Washington D.C. 20240
Office: (202) 208-5079
angela.moore@sol.doi.gov

On Fri, Apr 6, 2018 at 7:35 PM, Joshua Campbell <joshua.campbell@sol.doi.gov> wrote:
Angela,

I see my name mentioned on one document, although I have been confused with another Josh Campbell at DOI before. I don't recall any knowledge of this meeting/matter whatsoever, nor did I attend any meeting with this person. I will double check that fact, however. Given my lack of knowledge and involvement here, would that affect the release of this document or my name in terms of responsiveness thresholds? Can we conduct an additional review as to that before my name is released? I would want to know the legal rationale, etc., for the release, irrespective of the final decision, before my name is released. I would assume this is not a difficult request.

Best regards,

Josh

Sent from my iPhone

On Apr 6, 2018, at 3:15 PM, Moore, Angela <angela.moore@sol.doi.gov> wrote:

Good afternoon,

Attached please find a FOIA request with the accompanying draft decision letter, and 15 pages of responsive documents which mention the following individuals: Joshua Campbell, Dan Jorjani, James Cason, and Kathy Benedetto.

In light of new agency guidance, we want to ensure you are aware of the response. Please advise if you are agreeable with this release by Wednesday, April 11.

Thank you,

Angela

Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
[1849 C Street, N.W.](#)
[Washington D.C. 20240](#)
Office: (202) 208-5079
angela.moore@sol.doi.gov

<FOIA Request SOL-2018-00133 (Tobias).pdf>

<SOL-2018-00133 Combined Responsive Documents.pdf>

<Decision Letter SOL-2018-00133 (Tobias).pdf>

"Cafaro, Cindy" <cindy_cafaro@ios.doi.gov>

From: "Cafaro, Cindy" <cindy_cafaro@ios.doi.gov>
Sent: Mon May 07 2018 13:14:16 GMT-0600 (MDT)
To: "Moore, Angela" <angela.moore@sol.doi.gov>
Subject: Re: FOIA Request SOL-2018-00133 - Awareness Review

Hi, Angela. Rob reached out—have you heard back since then?
Thanks.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

On Tue, May 1, 2018 at 11:54 AM, Moore, Angela <angela.moore@sol.doi.gov> wrote:

Hi Cindy,

The attached FOIA decision letter and responsive documents were sent to Kathleen Benedetto for an awareness review. We have not received a response since April 6.

Thanks for any help you can provide.

Angela

Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, N.W.
Washington D.C. 20240
Office: (202) 208-5079
angela.moore@sol.doi.gov

----- Forwarded message -----

From: Moore, Angela <angela.moore@sol.doi.gov>
Date: Thu, Apr 12, 2018 at 4:00 PM
Subject: Re: FOIA Request SOL-2018-00133 - Awareness Review
To: James Cason <james_cason@ios.doi.gov>, Kathleen Benedetto <kbenedetto@blm.gov>, "Purvis, Lance" <lance.purvis@sol.doi.gov>

Good afternoon Jim and Kathleen,

Please see the attached FOIA request, responsive documents and decision letter for your awareness review.

Thank you,

Angela

Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, N.W.
Washington D.C. 20240
Office: (202) 208-5079
angela.moore@sol.doi.gov

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Best regards,

Josh

Sent from my iPhone

OS-2018-00959-00775

On Apr 6, 2018, at 3:15 PM, Moore, Angela <angela.moore@sol.doi.gov> wrote:

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In light of new agency guidance, we want to ensure you are aware of the response. Please advise if you are agreeable with this release by Wednesday, April 11.

Thank you,

Angela

Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
[1849 C Street, N.W.](#)
[Washington D.C. 20240](#)
Office: (202) 208-5079
angela.moore@sol.doi.gov

<FOIA Request SOL-2018-00133 (Tobias).pdf>

<SOL-2018-00133 Combined Responsive Documents.pdf>

<Decision Letter SOL-2018-00133 (Tobias).pdf>

"Moore, Angela" <angela.moore@sol.doi.gov>

From: "Moore, Angela" <angela.moore@sol.doi.gov>
Sent: Wed May 09 2018 06:17:03 GMT-0600 (MDT)
To: "Cafaro, Cindy" <cindy_cafaro@ios.doi.gov>
Subject: Re: FOIA Request SOL-2018-00133 - Awareness Review

Good morning Cindy,

Yes, we received a response and the request is closed now.

Thanks again,

Angela

Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, N.W.
Washington D.C. 20240
Office: (202) 208-5079
angela.moore@sol.doi.gov

On Mon, May 7, 2018 at 3:14 PM, Cafaro, Cindy <cindy_cafaro@ios.doi.gov> wrote:

Hi, Angela. Rob reached out--have you heard back since then?
Thanks.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

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Office: (202) 208-5079
angela.moore@sol.doi.gov

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Date: Thu, Apr 12, 2018 at 4:00 PM
Subject: Re: FOIA Request SOL-2018-00133 - Awareness Review
To: James Cason <james_cason@ios.doi.gov>, Kathleen Benedetto <kbenedetto@blm.gov>, "Purvis, Lance" <lance.purvis@sol.doi.gov>

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Angela Moore
FOIA Office (Contract Attorney)
Office of the Solicitor
U.S. Department of the Interior
[1849 C Street, N.W.](#)
[Washington D.C. 20240](#)
Office: (202) 208-5079
angela.moore@sol.doi.gov

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Office of the Solicitor
U.S. Department of the Interior
[1849 C Street, N.W.](#)
[Washington D.C. 20240](#)
Office: (202) 208-5079
angela.moore@sol.doi.gov

<FOIA Request SOL-2018-00133 (Tobias).pdf>

<SOL-2018-00133 Combined Responsive Documents.pdf>

<Decision Letter SOL-2018-00133 (Tobias).pdf>



Foia, SOL <sol.foia@sol.doi.gov>

Freedom of Information Act Request: Caminiti Freemyer Correspondence II

1 message

51680-30407613@requests.muckrock.com <51680-30407613@requests.muckrock.com> Thu, Mar 22, 2018 at 1:23 PM
To: sol.foia@sol.doi.gov

Department of Interior, Office of the Solicitor
FOIA Office
MS-6429, M1B
1849 C Street Northwest
Washington, DC 20240

March 22, 2018

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

All written or electronic communications, including attachments, between DOI staffer Mariagrazia Caminiti and lobbyist Allen Freemyer of the firm Freemyer & Associates, PC. This request seeks documents produced between April 1, 2017 and the date this request is processed.

I am a reporter for Pacific Standard magazine, and the requested documents will be made available to the general public. This request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Jimmy Tobias

Filed via MuckRock.com

E-mail (Preferred): 51680-30407613@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/department-of-interior-office-of-the-solicitor-2660/caminiti-freemyer-correspondence-ii-51680/?uuid-login=cecbfcdc-19f4-4eca-9f26-28c1eda2e3f9&email=sol.foia%40sol.doi.gov#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 51680
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

100

■■■■

[illegible]

Conversation Contents

Meeting request with Dan Jorjani

"Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>

From: "Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>
Sent: Tue Sep 19 2017 09:21:41 GMT-0600 (MDT)
To: Allen Freemyer <allen@adfpc.com>
Subject: Meeting request with Dan Jorjani

Hi Allen!

Are you guys meeting with Jim Cason as well? Could we combine into one meeting?

Cheers, mg

--

Marigrace Caminiti

Executive Assistant to the Solicitor
US Department of the Interior
1849 C Street, NW, Rm. 6352
Washington, DC 20240
202-208-4423 - main number
202-208-3111 - direct
202-208-5584 - fax
202-528-0486 or 202-359-2949 -cell/wcell

AA

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you receive this Message in error, please notify the sender immediately and destroy all copies.

Allen Freemyer <allen@adfpc.com>

From: Allen Freemyer <allen@adfpc.com>
Sent: Tue Sep 19 2017 09:27:42 GMT-0600 (MDT)
To: "Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>
CC: Chris Barney <Chris@adfpc.com>
Subject: RE: Meeting request with Dan Jorjani

No, we had not requested a meeting with Jim but it would be great to include him. We have met with him on these issues previously but would of course be happy to include him again. Thank you. Allen

From: Caminiti, Mariagrazia [mailto:marigrace.caminiti@sol.doi.gov]

Hi Allen!

Cheers, mg

—

Executive Assistant to the Solicitor

1849 C Street, NW, Rm. 6352

202-208-4423 - main number

202-208-5584 - fax

202-528-0486 or 202-359-2949 -cell/wcell

AA

"Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>

From: Caminiti, Mariagrazia [mailto:marigrace.caminiti@sol.doi.gov]
Sent: Tuesday, September 19, 2017 11:22 AM
To: Allen Freemyer
Subject: Meeting request with Dan Jorjani

QS-2018-00959-00782

Hi Allen!

Are you guys meeting with Jim Cason as well? Could we combine into one meeting?

Cheers, mg

—

Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6352

Washington, DC 20240

202-208-4423 - main number

202-208-3111 - direct

202-208-5584 - fax

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[illegible]

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Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6352

Washington, DC 20240

202-208-4423 - main number

202-208-3111 - direct

202-208-5584 - fax

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[illegible]

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100

—

[illegible]

QS-2018-00959-00784

be Laura Granier, Debbie Struhsacker and myself. Thank you and let me know the room number and appropriate phone contact for security. Allen

From: Caminiti, Mariagrazia [mailto:marigrace.caminiti@sol.doi.gov]
Sent: Monday, April 24, 2017 10:19 AM
To: Allen Freemyer
Subject: Time at Interior for mtg

Allen,

This is what I have in common for Dan and Kathy on the 3rd:

30 min at 4:00 or 40 min at 5:00.

Do you have other date options you'd like me to check?

Cheers.mg

Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6352

Washington, DC 20240

202-208-4423 - main number

202-208-3111 - direct

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[illegible]

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"Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>

From: "Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>
Sent: Mon Apr 24 2017 09:18:35 GMT-0600 (MDT)
To: Allen Freemyer <allen@adfpc.com>
Subject: Re: Time at Interior for mtg

Allen,

Great, I'll send you a calendar invite, and prepare a security clearance form. I believe you should be able to forward my invite to the other participants for their calendars, or send me their emails and I'll gladly add them. Would you

QS-2018-00959-00785

Cheers, mg

Marigrace,

From: Caminiti, Mariagrazia [mailto:marigrace.caminiti@sol.doi.gov]

To: Allen Freemyer

Allen,

30 min at 4:00 or 40 min at 5:00.

Cheers.mg

—

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6352

Washington, DC 20240

202-208-4423 - main number

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202-208-5584 - fax

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AA

—

Executive Assistant to the Solicitor

OS-2018-00959-00786

[illegible]

OS-2018-00959-00787

Cheers.mg

Marigrace Caminiti

202-528-0486 or 202-359-2949 -cell/wcell

Marigrace Caminiti

202-528-0486 or 202-359-2949 -cell/wcell

OS-2018-00959-00788

Conversation Contents

Re: Thank you

Daniel Jorjani <daniel_jorjani@ios.doi.gov>

From: Daniel Jorjani <daniel_jorjani@ios.doi.gov>
Sent: Mon Apr 24 2017 07:14:40 GMT-0600 (MDT)
To: Allen Freemyer <allen@adfpc.com>
CC: "Kathy Benedetto (Kathleen_Benedetto@ios.doi.gov)" <Kathleen_Benedetto@ios.doi.gov>, marigrace.caminiti@sol.doi.gov
Subject: Re: Thank you

Marigrace - Please follow up with AF. Thank you. Dan

Sent from my iPhone

On Apr 24, 2017, at 9:07 AM, Allen Freemyer <allen@adfpc.com> wrote:

Good morning Dan,

Have you determined if there is a convenient time on May 3rd to discuss the mineral withdrawal issues? Let me know and we will schedule around this meeting. Thank you.
Allen

From: Jorjani, Daniel [mailto:daniel_jorjani@ios.doi.gov]
Sent: Wednesday, April 19, 2017 1:18 PM
To: Allen Freemyer
Cc: Kathy Benedetto (Kathleen_Benedetto@ios.doi.gov)
Subject: Re: Thank you

We'll have Kathy sit in. She has the lead for the Secretary. This doesn't rise to the level of Jim at the moment.

On Wed, Apr 19, 2017 at 12:43 PM, Allen Freemyer <allen@adfpc.com> wrote:

Dan,

I would like to bring Laura Granier, Western Exploration's Counsel in the Nevada GSG lawsuit and involved in the meeting in Denver last week, in to meet with you, Jim Cason, and Kathy Benedetto to discuss the mineral withdrawal issues regarding GSG. We do not want to discuss the litigation but rather policy decisions surrounding the withdrawal and the current DEIS process. We would be available any time on May 3rd if possible. If that date does not work, please provide us with other available dates and we will do everything possible to accommodate. Thank you very much and happy to provide any further information. Thank you. Allen

From: Jorjani, Daniel [mailto:daniel_jorjani@ios.doi.gov]
Sent: Wednesday, April 5, 2017 6:40 PM
To: Allen Freemyer
Subject: Re: Thank you

I'll have Marigrace work with your scheduler to set up a time for a call. I look forward to speaking.

On Wed, Apr 5, 2017 at 3:58 PM, Allen Freemyer <allen@adfpc.com> wrote:

Dan,

Thank you for stopping by the meeting with Western Exploration yesterday. We believe our impacts from the SFA withdrawal and the recent victory with Judge Du provides some opportunities to trigger action on the GSG front. I would appreciate an opportunity to follow-up with you on these issues. Thank you and please let me know if there is anything we can provide that might be helpful. I can be reached at the number below at any time. Thank you again. Allen

Allen D. Freemyer
Freemyer & Associates
3333 K Street NW, Suite 115
Washington DC 20007
202-293-6496

"Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>

From: "Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>
Sent: Mon Apr 24 2017 08:16:15 GMT-0600 (MDT)
To: Daniel Jorjani <daniel_jorjani@ios.doi.gov>
Allen Freemyer <allen@adfpc.com>, "Kathy Benedetto
(Kathleen_Benedetto@ios.doi.gov)"
<Kathleen_Benedetto@ios.doi.gov>
Subject: Re: Thank you

Allen, I'll work with Kathy's scheduler and get back to you with some options Dan and Kathy have in common. Please reply to me only if there are times that are not available now on the 3rd.

Cheers, mg

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From: "Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>
Sent: Mon Apr 24 2017 09:29:09 GMT-0600 (MDT)
To: Daniel Jorjani <daniel_jorjani@ios.doi.gov>
Subject: Re: Thank you

Dan,

Tentatively looking at the 3rd at 5pm - he mentions this is in litigation, do you want doj there? anyone from SOL? mg

On Mon, Apr 24, 2017 at 10:16 AM, Caminiti, Mariagrazia <marigrace.caminiti@sol.doi.gov> wrote:

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I would like to bring Laura Granier, Western Exploration's Counsel in the Nevada GSG lawsuit and involved in the meeting in Denver last week, in to meet with you, Jim Cason, and Kathy Benedetto to discuss the mineral withdrawal issues regarding GSG. We do not want to discuss the litigation but rather policy decisions surrounding the withdrawal and the current DEIS process. We would be available any time on May 3rd if possible. If that date does not work, please provide us with other available dates and we will do everything possible to accommodate. Thank you very much and happy to provide any further information. Thank you. Allen

From: Jorjani, Daniel [mailto:daniel_jorjani@ios.doi.gov]
Sent: Wednesday, April 5, 2017 6:40 PM
To: Allen Freemyer
Subject: Re: Thank you

I'll have Marigrace work with your scheduler to set up a time for a call. I look forward to speaking.

On Wed, Apr 5, 2017 at 3:58 PM, Allen Freemyer <allen@adfpc.com> wrote:
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Thank you for stopping by the meeting with Western Exploration yesterday. We believe our impacts from the SFA withdrawal and the recent victory with Judge Du provides some opportunities to trigger action on the GSG front. I would appreciate an opportunity to follow-up with you on these issues. Thank you and please let me know if there is anything we can provide that might be helpful. I can be reached at the number below at any time. Thank you again. Allen

Allen D. Freemyer
Freemyer & Associates
3333 K Street NW, Suite 115
Washington DC 20007
202-293-6496

—

Marigrace Caminiti

Executive Assistant to the Solicitor
US Department of the Interior
1849 C Street, NW, Rm. 6352
Washington, DC 20240
202-208-4423 - main number
202-208-3111 - direct
202-208-5584 - fax
202-528-0486 or 202-359-2949 -cell/wcell

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QS-2018-00959-00793

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United States Department of the Interior

OFFICE OF THE SOLICITOR

WASHINGTON, D C 20240

IN REPLY REFER TO:
SOL-2018-00133

April 6, 2018

Via Email: 51680-30407613@requests.muckrock.com

MuckRock News
DEPT MR 51680
Attn: Jimmy Tobias
411A Highland Ave
Somerville, MA 02144-2516

Dear Mr. Tobias,

On March 22, 2018, the U.S. Department of the Interior, Office of the Solicitor, received your Freedom of Information Act (FOIA) request. In your request, you specifically ask for:

“All written or electronic communications, including attachments between DOI staffer Mariagrazia Caminiti and lobbyist Allen Freemyer of the firm Freemyer & Associates, PC. This request seeks documents produced between April 1, 2017 and the date this request is processed.”

In response to your letter, the Office of the Solicitor searched its records and found 15 pages responsive to your request. Upon review, the Office of the Solicitor has decided to release the 15 pages to you in full. Please see the documents attached.

This concludes the Office of the Solicitor’s response to your request. The fee incurred in responding to your request is less than \$50 and is not being charged in accordance with 43 CFR 2.16(b)(2).

Sincerely,

Lance Purvis
Office of the Solicitor FOIA Officer



Foia, SOL <sol.foia@sol.doi.gov>

Freedom of Information Act Request: Caminiti Freemyer Correspondence II

1 message

51680-30407613@requests.muckrock.com <51680-30407613@requests.muckrock.com> Thu, Mar 22, 2018 at 1:23 PM
To: sol.foia@sol.doi.gov

Department of Interior, Office of the Solicitor
FOIA Office
MS-6429, M1B
1849 C Street Northwest
Washington, DC 20240

March 22, 2018

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

All written or electronic communications, including attachments, between DOI staffer Mariagrazia Caminiti and lobbyist Allen Freemyer of the firm Freemyer & Associates, PC. This request seeks documents produced between April 1, 2017 and the date this request is processed.

I am a reporter for Pacific Standard magazine, and the requested documents will be made available to the general public. This request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Jimmy Tobias

Filed via MuckRock.com

E-mail (Preferred): 51680-30407613@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/department-of-interior-office-of-the-solicitor-2660/caminiti-freemyer-correspondence-ii-51680/?uuid-login=cecbfcdc-19f4-4eca-9f26-28c1eda2e3f9&email=sol.foia%40sol.doi.gov#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 51680
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Conversation Contents

this evening's 5pm mtg

"Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>

From: "Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>
Sent: Mon Oct 02 2017 14:29:44 GMT-0600 (MDT)
To: Allen Freemyer <allen@adfpc.com>
Subject: this evening's 5pm mtg

Dan's been called into a 5pm in the secretary's corridor - he suggests going forward with the mtg as scheduled with Eric Shepard and John Hay, adding our Josh Campbell, a political in our office, for time and efficiency sake - I know your time in the morning is limited and Dan's is a well. I've left you a voice message as well. mg

—

Marigrace Caminiti

Executive Assistant to the Solicitor
US Department of the Interior
1849 C Street, NW, Rm. 6352
Washington, DC 20240
202-208-4423 - main number
202-208-3111 - direct
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Conversation Contents

Meeting request with Dan Jorjani

"Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>

From: "Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>
Sent: Tue Sep 19 2017 09:21:41 GMT-0600 (MDT)
To: Allen Freemyer <allen@adfpc.com>
Subject: Meeting request with Dan Jorjani

Hi Allen!

Are you guys meeting with Jim Cason as well? Could we combine into one meeting?

Cheers, mg

--

Marigrace Caminiti

Executive Assistant to the Solicitor
US Department of the Interior
1849 C Street, NW, Rm. 6352
Washington, DC 20240
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Allen Freemyer <allen@adfpc.com>

From: Allen Freemyer <allen@adfpc.com>
Sent: Tue Sep 19 2017 09:27:42 GMT-0600 (MDT)
To: "Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>
CC: Chris Barney <Chris@adfpc.com>
Subject: RE: Meeting request with Dan Jorjani

No, we had not requested a meeting with Jim but it would be great to include him. We have met with him on these issues previously but would of course be happy to include him again. Thank you. Allen

From: Caminiti, Mariagrazia [mailto:marigrace.caminiti@sol.doi.gov]

OS-2018-00959-00798

Hi Allen!

Cheers, mg

—

Executive Assistant to the Solicitor

1849 C Street, NW, Rm. 6352

202-208-4423 - main number

202-208-5584 - fax

202-528-0486 or 202-359-2949 -cell/wcell

AA

"Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>

From: Caminiti, Mariagrazia [mailto:marigrace.caminiti@sol.doi.gov]
Sent: Tuesday, September 19, 2017 11:22 AM
To: Allen Freemyer
Subject: Meeting request with Dan Jorjani

QS-2018-00959-00799

Hi Allen!

Are you guys meeting with Jim Cason as well? Could we combine into one meeting?

Cheers, mg

—

Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6352

Washington, DC 20240

202-208-4423 - main number

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[illegible]

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Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

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[illegible]

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100

Marigrace Caminiti

OS-2018-00959-00801

be Laura Granier, Debbie Struhsacker and myself. Thank you and let me know the room number and appropriate phone contact for security. Allen

From: Caminiti, Mariagrazia [mailto:marigrace.caminiti@sol.doi.gov]
Sent: Monday, April 24, 2017 10:19 AM
To: Allen Freemyer
Subject: Time at Interior for mtg

Allen,

This is what I have in common for Dan and Kathy on the 3rd:

30 min at 4:00 or 40 min at 5:00.

Do you have other date options you'd like me to check?

Cheers.mg



Marigrace Caminiti

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6352

Washington, DC 20240

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**"Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>**

**From:** "Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>  
**Sent:** Mon Apr 24 2017 09:18:35 GMT-0600 (MDT)  
**To:** Allen Freemyer <allen@adfpc.com>  
**Subject:** Re: Time at Interior for mtg

Allen,

Great, I'll send you a calendar invite, and prepare a security clearance form. I believe you should be able to forward my invite to the other participants for their calendars, or send me their emails and I'll gladly add them. Would you

QS-2018-00959-00802

Cheers, mg

Marigrace,

**From:** Caminiti, Mariagrazia [mailto:[marigrace.caminiti@sol.doi.gov](mailto:marigrace.caminiti@sol.doi.gov)]

**To:** Allen Freemyer

Allen,

30 min at 4:00 or 40 min at 5:00.

Cheers.mg

—

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6352

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—

Executive Assistant to the Solicitor

OS-2018-00959-00803

[illegible]

OS-2018-00959-00804



Cheers.mg

—

Executive Assistant to the Solicitor

US Department of the Interior

1849 C Street, NW, Rm. 6352

Washington, DC 20240

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[illegible]

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[illegible]

OS-2018-00959-00805

# Conversation Contents

Re: Thank you

**Daniel Jorjani <daniel\_jorjani@ios.doi.gov>**

---

**From:** Daniel Jorjani <daniel\_jorjani@ios.doi.gov>  
**Sent:** Mon Apr 24 2017 07:14:40 GMT-0600 (MDT)  
**To:** Allen Freemyer <allen@adfpc.com>  
**CC:** "Kathy Benedetto (Kathleen\_Benedetto@ios.doi.gov)" <Kathleen\_Benedetto@ios.doi.gov>, marigrace.caminiti@sol.doi.gov  
**Subject:** Re: Thank you

Marigrace - Please follow up with AF. Thank you. Dan

Sent from my iPhone

On Apr 24, 2017, at 9:07 AM, Allen Freemyer <[allen@adfpc.com](mailto:allen@adfpc.com)> wrote:

Good morning Dan,

Have you determined if there is a convenient time on May 3<sup>rd</sup> to discuss the mineral withdrawal issues? Let me know and we will schedule around this meeting. Thank you.  
Allen

**From:** Jorjani, Daniel [[mailto:daniel\\_jorjani@ios.doi.gov](mailto:daniel_jorjani@ios.doi.gov)]  
**Sent:** Wednesday, April 19, 2017 1:18 PM  
**To:** Allen Freemyer  
**Cc:** Kathy Benedetto ([Kathleen\\_Benedetto@ios.doi.gov](mailto:Kathleen_Benedetto@ios.doi.gov))  
**Subject:** Re: Thank you

We'll have Kathy sit in. She has the lead for the Secretary. This doesn't rise to the level of Jim at the moment.

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Allen D. Freemyer  
Freemyer & Associates  
3333 K Street NW, Suite 115  
Washington DC 20007  
202-293-6496

---

**"Caminiti, Mariagrazia" <[marigrace.caminiti@sol.doi.gov](mailto:marigrace.caminiti@sol.doi.gov)>**

---

**From:** "Caminiti, Mariagrazia" <[marigrace.caminiti@sol.doi.gov](mailto:marigrace.caminiti@sol.doi.gov)>  
**Sent:** Mon Apr 24 2017 08:16:15 GMT-0600 (MDT)  
**To:** Daniel Jorjani <[daniel\\_jorjani@ios.doi.gov](mailto:daniel_jorjani@ios.doi.gov)>  
Allen Freemyer <[allen@adfpc.com](mailto:allen@adfpc.com)>, "Kathy Benedetto  
([Kathleen\\_Benedetto@ios.doi.gov](mailto:Kathleen_Benedetto@ios.doi.gov))"  
<[Kathleen\\_Benedetto@ios.doi.gov](mailto:Kathleen_Benedetto@ios.doi.gov)>  
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**"Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>**

---

**From:** "Caminiti, Mariagrazia" <marigrace.caminiti@sol.doi.gov>  
**Sent:** Mon Apr 24 2017 09:29:09 GMT-0600 (MDT)  
**To:** Daniel Jorjani <daniel\_jorjani@ios.doi.gov>  
**Subject:** Re: Thank you

Dan,

Tentatively looking at the 3rd at 5pm - he mentions this is in litigation, do you want doj there? anyone from SOL? mg

On Mon, Apr 24, 2017 at 10:16 AM, Caminiti, Mariagrazia <[marigrace.caminiti@sol.doi.gov](mailto:marigrace.caminiti@sol.doi.gov)> wrote:

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—

# Marigrace Caminiti

AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA

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## Marigrace Caminiti

[illegible]

QS-2018-00959-00810



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## United States Department of the Interior

OFFICE OF THE SOLICITOR

WASHINGTON, D C 20240

IN REPLY REFER TO:  
SOL-2018-00133

April 6, 2018

Via Email: 51680-30407613@requests.muckrock.com

MuckRock News  
DEPT MR 51680  
Attn: Jimmy Tobias  
411A Highland Ave  
Somerville, MA 02144-2516

Dear Mr. Tobias,

On March 22, 2018, the U.S. Department of the Interior, Office of the Solicitor, received your Freedom of Information Act (FOIA) request. In your request, you specifically ask for:

“All written or electronic communications, including attachments between DOI staffer Mariagrazia Caminiti and lobbyist Allen Freemyer of the firm Freemyer & Associates, PC. This request seeks documents produced between April 1, 2017 and the date this request is processed.”

In response to your letter, the Office of the Solicitor searched its records and found 15 pages responsive to your request. Upon review, the Office of the Solicitor has decided to release the 15 pages to you in full. Please see the documents attached.

This concludes the Office of the Solicitor’s response to your request. The fee incurred in responding to your request is less than \$50 and is not being charged in accordance with 43 CFR 2.16(b)(2).

Sincerely,

Lance Purvis  
Office of the Solicitor FOIA Officer

## Conversation Contents

**ERDMS Search Request: SOL-2018-00020**

**Attachments:**

/38. ERDMS Search Request: SOL-2018-00020/1.1 DI-4003\_Enterprise eArchive System EES Audit Request 4\_19\_18 signed.pdf  
/38. ERDMS Search Request: SOL-2018-00020/1.2 DI-4008\_Rules of Behavior for the eERDMS 4\_19\_18 signed.pdf  
/38. ERDMS Search Request: SOL-2018-00020/2.1 DI-4003\_Enterprise eArchive System EES Audit Request 4\_19\_18 signed.pdf

**"Purvis, Lance" <lance.purvis@sol.doi.gov>**

---

**From:** "Purvis, Lance" <lance.purvis@sol.doi.gov>  
**Sent:** Thu Apr 19 2018 07:44:45 GMT-0600 (MDT)  
**To:** "Cafaro, Cindy" <cindy\_cafaro@ios.doi.gov>  
**Subject:** ERDMS Search Request: SOL-2018-00020  
**Attachments:** DI-4003\_Enterprise eArchive System EES Audit Request 4\_19\_18 signed.pdf DI-4008\_Rules of Behavior for the eERDMS 4\_19\_18 signed.pdf

Hi Cindy,

Please find the DI-4003 and DI-4008 forms requesting a search for potentially responsive records for SOL-2018-00020 on the basis that the search involves some departed political appointees and federal employees and there is no other way of procuring the emails.

Thanks,

Lance

Lance Purvis  
Office of The Solicitor  
U.S. Department of The Interior  
1849 C Street, N.W.  
Washington D.C., 20240  
(O)(202)208-5817  
(F)(202)208-5206  
[lance.purvis@sol.doi.gov](mailto:lance.purvis@sol.doi.gov)



## ENTERPRISE eARCHIVE SYSTEM (EES) AUDIT REQUEST

NOTICE: Users requesting an audit must have appropriate authorization from their supervisor and must complete the DI-4008: eERDMS Rules of Behavior prior to submitting a DI-4003. By submitting this DI-4003, all parties acknowledge that a DI-4008 has been completed and understand their responsibilities. Please review the [Guide to the Discovery and Collection Process](#) or [Audit Gaps Dashboard](#) for additional information.

### Section 1: Employee's Information

*\*required fields*

1. Employee's Full Name\*:  
Valerie Shaw

2. Date Audit Request Needed By\*:  
April 2, 218

3. Employee's Organization Name\*:  
DOI

4. Bureau/Office\*:  
BLM Idaho State Office

5. Employee's Electronic Mail (E-mail) Address\*:  
VShaw@blm.gov

6. Employee's Telephone Number\*:  
208-373-3947

### Section 2: Audit Request Information

*\*required fields*

**IMPORTANT:** If you eliminate the use of variant names, limit highly complex terms/phrases, and provide full dates formatted mm/dd/yyyy, then processing your audit request will be more expedient, but there may be search gaps. You may refer to the [Audit Gap Dashboard](#) for additional information.

7a. Type of Audit (select all that apply)\*: ☐ Congressional or Administrative Record ☐ Litigation  
☐ Human Resources or Investigative Case File  
☒ Freedom of Information Act (FOIA)  
☐ Refining Audit Request Scope ☐ Other (proceed to 7b.)

#### TYPE DESCRIPTIONS:

*Congressional or Administrative Record = Requests regarding Congressional matters or administrative records. Approval required by Office Director or Chief of Staff.*

*Litigation = Requests regarding legal matters. Approval required by the litigation person listed in the [instructional guide](#).*

*Human Resources or Investigative Case File = Requests relating to human resources matters or an investigation. Approval required by the human resources person listed in the [instructional guide](#).*

*FOIA = Requests regarding the Freedom of Information Act. Approval required by Departmental FOIA Officer and Bureau/Office FOIA Officer.*

*Refining Audit Request Scope = If you have already submitted an approved DI-4003 but need to revise/change the data criteria by refining the search scope, please select this type and be sure to complete Questions 12a through 13b. If you have already submitted an approved DI-4003 and want to increase your search scope, a new DI-4003 must be completed.*

*Other = Requests for an audit, records, collection etc. Approval required by your respective Bureau Records Officer.*

7b. If other is selected, please specify below.

8. Reference Name/Case/Matter\*:

BLM-2018-00519 / FOIA Request from Chris Saeger, Western Values Project

9a. Date Criteria\* (select only one): ☐ Sent Date Only ☐ Received Date Only ☐ Both Sent Date and Received Date

*Include start date and end date. Dates are based on sent and/or received date of e-mail. If you have multiple date ranges, you must submit a separate DI-4003 for each date range. Only one date range is allowed per DI-4003.*

**IMPORTANT:** Audit requests for non-e-mail material must be submitted to your records management office.

NOTICE: Users requesting an audit must have appropriate authorization from their supervisor and must complete the [DI-4008: eERDMS Rules of Behavior](#) prior to submitting a DI-4003. By submitting this DI-4003, all parties acknowledge that a DI-4008 has been completed and understand their responsibilities. Please review the [Guide to the Discovery and Collection Process](#) or [Audit Gaps Dashboard](#) for additional information.

9b. Start Date (mm/dd/yyyy)\*: **07/01/2017**

9c. End Date (mm/dd/yyyy)\*: **07/31/2017**

10a. Repository Criteria (select only one)\*: ☐ Department-wide (proceed to Question 11) or  
☐ Bureau/Office-Specific (proceed to 10b)

**IMPORTANT - MANDATORY ATTACHMENT:** Employee must have authorized access to the repository before an audit search can be performed (i.e., a completed, approved DI-4008). If you do not have authorized access, please complete the DI-4008 first. You must provide a copy of your approved DI-4008 with this DI-4003.

**NOTE:** Please also be aware that employees may have alternate e-mail addresses; for example, an employee on a detail assignment to a different bureau/office, plus bureaus/offices may have changed their organizational name or domains, such as Minerals Management Service is now Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement and this could affect an audit request.

10b. Bureau/Office Name(s) (Type each bureau/office in fields 10c through 10h):  
(e.g., National Park Service)

10c. **BLM Idaho State Office**

10d.

10e.

10f.

10g.

10h.

10i.

10j.

10k.

10l.

10m.

10n.

10o.

10p.

11. Custodian E-mail Information (continue to Page 6, if you have more than five):

**NOTE:** Legacy e-mails could be in different formats because of departmental domain changes; for example, John\_Doe@domain.gov, jdoe@domain.gov, or john.doe@domain.gov. By selecting "Include Variant Names," your results will increase, but you must provide the e-mail box owner's variant names (i.e., LastName and FirstName).

**SPECIAL INSTRUCTIONS:**

Please enter any information or notes that may be helpful in fulfilling your request; for example, I want e-mails from Jane.Doe@fws.gov to/from John\_Smith@gmail.com or I want e-mails from/to the government between the other parties/e-mails listed. Government = Jane.Doe@fws.gov and Other = John\_Smith@gmail.com and MaryJohnson@gmail.com.

For a FOIA request BLM-2018-00519; I need all emails from/to Timothy M. Murphy (tmurphy@blm.gov) dated from 07/01/2017 through 07/31/2017 pertaining to the Bureau of Land Management Executive Leadership Team Meeting that took place in Denver CO on 07/12/2017 through 07/13/2017. FOIA Request reads: want all Tim's email/correspondence, should include carbon copies ("CC"), or blind carbon copying ("BCC") to/from any of these individuals: " Michael Nedd, Howard Hedrick, Kathleen Benedetto, Jeff Brune, Gordon Toevs, Vicki Herren, John Ruhs, Karen Kelleher, Kristin Bail, Joseph Stout, Heather Bernier, all BLM staff at the address blm\_elt@blm.gov, and all members of the Executive Leadership Team, concerning the Executive Leadership Team meeting on 07/12/2017 through 07/13/2017.

| E-mail Address*      | E-mail Information                                                                                                                                         | Variant Names (if applicable) |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 11a. TMurphy@blm.gov | 11a. <input checked="" type="checkbox"/> Sender <input checked="" type="checkbox"/> Recipient<br><input checked="" type="checkbox"/> Include Variant Names | 11a. Timothy M. Murphy        |
| 11b.                 | 11b. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names                                  | 11b.                          |
| 11c.                 | 11c. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names                                  | 11c.                          |
| 11d.                 | 11d. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names                                  | 11d.                          |
| 11e.                 | 11e. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names                                  | 11e.                          |

12a. Query Management (select all that apply): ☐ Refined Date Range ☐ Refined Bureau/Office ☐ Refined Custodian  
☒ Refined Keywords (complete Question 13b, if needed)

**NOTE:** Query Management is only applicable if you selected "Refining Audit Request Scope" for Question 7a - Type of Audit. If you did not select "Refining Audit Request Scope" you may skip Questions 12a through 12c.

12b. Refinements against previously run audit request:

12c. Previous Audit Name:

13a. Search Criteria (select the all that apply)\*: ☒ All ☐ Content ☐ Metadata (continue to Page 9, if more space is needed)

**IMPORTANT:** All is default unless otherwise specified. Fields may vary based on document type. If multiple strings are needed, please make sure to specify AND or OR conditions between each keyword(s). It is not recommended to search without context of words. If your search is specialized or complex, please contact your eERDMS point of contact for details. Large collections (i.e., 10K+) will not be provided outside of EES.

**NOTE:** Boolean includes: "AND," "OR," "NOT"  
Look For includes: "All Words," "Any Words," "Exact Phrase"  
Modifier includes: "Synonyms of," "Related To," "Sounds Like," "Word Begin With," "Word Ends With"

13b. Keywords (e.g., "Sample Case Name" AND "State" OR "Place" AND-NOT "Places"\*):  
All emails "To/From" "Timothy Murphy" "Dated From" "0701/2017 to 07/31/2017" with keywords "Executive AND Leadership "And" Team" Related To "Meeting in Denver CO on 07/12/2017 through 07/13/2017 "OR "ELT" And "meeting in Denver CO on 07/12/2017 through 07/13/2017".



### Section 3: Output Information

\*required fields

14. Result Type (select only one)\*: ☒ PST ☐ HTML ☐ MSG ☐ EML ☐ PDF Portfolio (PDF Portfolio delays delivery of results)

**NOTE:** All results are encrypted unless shared within the U.S. Department of the Interior's network.

PST = Personal Storage (Default Format). A personal folder in Microsoft Outlook. You must have Microsoft Outlook to open files.

HTML = Hyper Text Markup Language file format is used as the basis of a Web page; can be used interchangeably with HTM.

MSG = An Outlook Mail Message file extension; may be compatible with other programs using Microsoft's Messaging Applications Programming Interface (MAPI).

EML = A file extension for an e-mail message saved to a file in the MIME RFC 822 standard format by Microsoft Outlook Express.

PDF Portfolio = Multiple files assembled into an integrated PDF unit. The files can be in a wide range of file types created in different applications.

15. Media Type (select only one)\*: ☐ CD ROM only (maximum 650 MB per CD) ☐ DVD (maximum 4 GB per DVD)  
☐ HDD (>50 GB) ☐ Secured HDD (> 50 GB, PGP encryption NA)  
☐ FTP Account Name (if known):  
☐ Other (please specify):  
☒ Use any of the appropriate media listed above (Default)

**IMPORTANT:** The U.S. Department of the Interior does not have external or portable hard drives for a media type. The employee is responsible for providing external or portable hard drives, if Other is selected and hard drives are specified.

16. Number of Copies: 1 (Default is one copy, unless otherwise specified)

**NOTE ON DATA ENCRYPTION:** In accordance with departmental policy, all content that is shipped is encrypted. Passwords will be communicated to the authorized audit employee only through e-mail or telephone. Passwords will not be left on the audit employee's voicemail.

**NOTICE:** Section 4 only needs to be completed if you require your audit results be shipped to you.

### Section 4: Shipping/Packaging Information

\*required fields

|                                                                      |                                               |                                                            |
|----------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------|
| 17a. Bureau/Office or Company Name*:<br><b>BLM State FOIA Office</b> | 17b. Recipient's Name*<br><b>Valerie Shaw</b> | 17c. Recipient's Telephone Number*:<br><b>208-373-3947</b> |
|----------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------|

|                                               |                 |                                                                  |
|-----------------------------------------------|-----------------|------------------------------------------------------------------|
| 17d. Address 1*:<br><b>1387 S Vinnell Way</b> | 17e. Address 2: | 17f. City, State, and ZIP Code*:<br><b>Boise, ID. 83709-1657</b> |
|-----------------------------------------------|-----------------|------------------------------------------------------------------|

**NOTE:** Default shipping method is Standard Mail, but you may provide us your FedEx or UPS account information below in order to use that delivery/shipping method. Additional recipients for same address may be listed in fields 17h through 17j (additional charges may apply).

17g. Federal Express (FedEx) Account Number (if applicable): **#142749556**

17h. United Postal Service (UPS) Account Number (if applicable):

|                                                        |                              |                              |
|--------------------------------------------------------|------------------------------|------------------------------|
| 17i. Additional Recipient 1:<br><b>IDSO FOIA Group</b> | 17i. Additional Recipient 2: | 17i. Additional Recipient 3: |
|--------------------------------------------------------|------------------------------|------------------------------|

**NOTICE:** Section 5 must have all representatives and signatures, which are dependent on your request type, in order to process this DI-4003 (see list below). The employee's signature is required on all DI-4003 forms. You may sign this form manually or digitally. Please reference the [instructional guide](#) for specific information on who you should obtain signatures from at the Department and bureau/office.

If you selected...

- Congressional or Administrative Record, then the Congressional and Administrative Records Representative signature is required
- Litigation, then the Legal Representative signature is required
- Human Resources or Investigative Case File, then the Human Resources Specialist signature is required
- Freedom of Information Act (FOIA), then the Departmental FOIA Officer and Bureau/Office FOIA Officer signatures are required
- Refining Audit Request Scope, then no additional signatures are required because this is a revise/change the data criteria to refine the search scope on an already approved DI-4003
- Other, then the Records Officer signature is required

## Section 5: Approvals

\*required fields

|                                                                      |                                                                                      |                         |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------|
| Employee's Full Name*:<br>Valerie Shaw                               | Employee's Signature*:                                                               | Date:<br>March 28, 2018 |
| Departmental FOIA Officer's Full Name:                               | Departmental FOIA Officer's Signature (if applicable):                               | Date:                   |
| Bureau/Office FOIA Officer's Full Name:<br>Ryan C. Witt              | Bureau/Office FOIA Officer's Signature (if applicable):                              | Date:<br>4/2/2018       |
| Legal Representative's Full Name:                                    | Legal Representative's Signature (if applicable):                                    | Date:                   |
| Human Resources Specialist's Full Name:                              | Human Resources Specialist's Signature (if applicable):                              | Date:                   |
| Bureau Records Officer's Full Name:                                  | Bureau Records Officer's Signature (if applicable):                                  | Date:                   |
| Congressional and Administrative Records Representative's Full Name: | Congressional and Administrative Records Representative's Signature (if applicable): | Date:                   |

## INSTRUCTIONS ON SUBMITTING DI-4003 FOR PROCESSING AND WHAT TO EXPECT NEXT

1. After you have completed the DI-4003 form, please review it one final time prior to submission to ensure accuracy because an incomplete form will cause delays in processing your audit request.
2. Submit completed DI-4003 form and a copy of your approved DI-4008 to Ms. Scotti Spencer at [Scotti\\_Spencer@ios.doi.gov](mailto:Scotti_Spencer@ios.doi.gov).
3. All DI-4003's MUST be pre-approved by the appropriate office. The Discovery and Collection Team will not accept or process unapproved DI-4003's and cannot obtain approvals for you. The employee has the sole responsibility of obtaining ALL approvals and submitting them with the DI-4003. No exceptions.
4. Once a DI-4003 is submitted, it cannot be altered by the eERDMS Discovery and Collections Team; however, you may revise a DI-4003 by submitting a new DI-4003 with Questions 12a through 12c completed.
5. Please plan accordingly because most DI-4003's cannot be quickly processed. Audit requests take time to run, process, and compile for delivery. **As a direct result of the volume of audit requests received, a minimum of five (5) business days turnaround can be expected once the collection has started, not when the DI-4003 is received.**
6. Audit requests will only be delivered to the recipient in Section 4. The recipient must be a U.S. Department of the Interior employee or approved Federal agency contact.
7. Please visit the [eERDMS Discovery and Collections Dashboard](#) to track the status of your audit request(s).

**Custodian E-mail Information** (send a Microsoft Excel/Word file, if more custodian e-mails are needed than space permits).

| E-mail Address* | E-mail Information                                                                                                        | Variant Names (if applicable) |
|-----------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 11f.            | 11f. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11f.                          |
| 11g.            | 11g. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11g.                          |
| 11h.            | 11h. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11h.                          |
| 11i.            | 11i. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11i.                          |
| 11j.            | 11j. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11j.                          |
| 11k.            | 11k. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11k.                          |
| 11l.            | 11l. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11l.                          |
| 11m.            | 11m. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11m.                          |
| 11n.            | 11n. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11n.                          |
| 11o.            | 11o. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11o.                          |
| 11p.            | 11p. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11p.                          |
| 11q.            | 11q. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11q.                          |
| 11r.            | 11r. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11r.                          |
| 11s.            | 11s. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11s.                          |
| 11t.            | 11t. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11t.                          |
| 11u.            | 11u. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11u.                          |
| 11v.            | 11v. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11v.                          |
| 11w.            | 11w. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11w.                          |

| E-mail Address* | E-mail Information                                                                                                         | Variant Names (if applicable) |
|-----------------|----------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 11x.            | 11x. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names  | 11x.                          |
| 11y.            | 11y. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names  | 11y.                          |
| 11z.            | 11z. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names  | 11z.                          |
| 11aa.           | 11aa. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11aa.                         |
| 11bb.           | 11bb. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11bb.                         |
| 11cc.           | 11cc. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11cc.                         |
| 11dd.           | 11dd. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11dd.                         |
| 11ee.           | 11ee. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11ee.                         |
| 11ff.           | 11ff. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11ff.                         |
| 11gg.           | 11gg. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11gg.                         |
| 11hh.           | 11hh. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11hh.                         |
| 11ii.           | 11ii. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11ii.                         |
| 11jj.           | 11jj. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11jj.                         |
| 11kk.           | 11kk. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11kk.                         |
| 11ll.           | 11ll. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11ll.                         |
| 11mm.           | 11mm. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11mm.                         |
| 11nn.           | 11nn. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11nn.                         |
| 11oo.           | 11oo. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11oo.                         |

| E-mail Address* | E-mail Information                                                                                                         | Variant Names (if applicable) |
|-----------------|----------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 11pp.           | 11pp. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11pp.                         |
| 11qq.           | 11qq. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11qq.                         |
| 11rr.           | 11rr. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11rr.                         |
| 11ss.           | 11ss. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11ss.                         |
| 11tt.           | 11tt. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11tt.                         |
| 11uu.           | 11uu. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11uu.                         |
| 11vv.           | 11vv. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11vv.                         |
| 11ww.           | 11ww. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11ww.                         |
| 11xx.           | 11xx. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11xx.                         |
| 11yy.           | 11yy. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11yy.                         |
| 11zz.           | 11zz. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11zz.                         |
| 11az.           | 11az. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11az.                         |
| 11ay.           | 11ay. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11ay.                         |
| 11ax.           | 11ax. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11ax.                         |
| 11aw.           | 11aw. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11aw.                         |
| 11av.           | 11av. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11av.                         |
| 11au.           | 11au. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11au.                         |
| 11at.           | 11at. <input type="checkbox"/> Sender <input type="checkbox"/> Recipient<br><input type="checkbox"/> Include Variant Names | 11at.                         |

**Additional Search Criteria – Keywords**



**Additional Search Criteria – Keywords (continued)**



## RULES OF BEHAVIOR FOR THE EMAIL ENTERPRISE RECORDS AND DOCUMENT MANAGEMENT SYSTEM (EERDMS)

### Section 1: Terms of Agreement

As a U.S. Department of the Interior (DOI) computer network user, you must understand and agree to these rules of behavior prior to being granted access to the eMail Enterprise Records and Document Management System (eERDMS). The eERDMS provides you access to departmental information that may be subject to, including but not limited to: the Privacy Act, the Federal Records Act, and court ordered litigation holds. Access to eERDMS may include managing, uploading, downloading, transferring, collecting, searching, distributing, creating content, and/or printing.

You are accountable for your actions and are responsible for ensuring the security of the eERDMS and the information it contains. Upon being granted access to eERDMS information, you shall be held responsible for any damages caused to the U.S. Department of the Interior and eERDMS information either through your negligence or willful act. Failure to follow these rules may result in legal and/or disciplinary action up to and including termination of employment. These rules of behavior apply to all eERDMS users. Your actions are tracked in the eERDMS auditing system.

The required annual Federal Information Systems Security Awareness + Privacy and Records Management (FISSA+ Privacy and RM) training provides additional background to fully understand these rules, as well as your responsibilities.

As a DOI eERDMS system user, I will:

1. Successfully complete the initial and annual FISSA+ Privacy and RM training before accessing the eERDMS.
2. Handle and maintain all information and system outputs in accordance with the provisions of the Privacy Act, the Federal Records Act, plus all other applicable laws and regulations; in addition, all Federal and departmental policies for safeguarding Personally Identifiable Information, information classifications, and records management requirements.
3. Refrain from viewing or collecting any information beyond the scope of my authorization or need to know.
4. Ensure the security of eERDMS information.
5. Not share passwords and/or my DOI Access card Personal Identification Number for eERDMS.
6. Not use eERDMS information for activities that are illegal and/or inappropriate.
7. Not attempt to connect other DOI personnel to the eERDMS system without appropriate authorization.
8. Not post, export, transfer, duplicate, or share eERDMS information without prior appropriate authorization.
9. Not attempt to alter and/or disable the eERDMS, configurations, and security settings without prior appropriate authorization.
10. Not attempt to delete or alter any information not contained within your individual workspace.
11. Immediately report suspect computer security incidents, privacy incidents, loss or destruction of Federal records, equipment, keys and/or DOI Access card by following my Department, Bureau, and/or Office incident response procedures.

### Section 2: System Access Information

\*required fields

System Access Requested (select all that apply)\*: ☐ eDiscovery and Collections ☐ eERDMS-ECS ☒ eERDMS-EES

### Section 3: Signature and Approval

\*required fields

By signing below, I acknowledge that I have read, understand, and agree to abide by these rules of behavior for the eERDMS users. I also understand that failure to abide by these rules of behavior may result in disciplinary action.

User's Full Name\*: Valerie J Shaw

User's Bureau/Office/Company\*: DOI-BLM/Idaho State Office

User's Signature\*:

Date Signed\*: March 28, 2018

Records Officer/Accountable Bureau Official Full Name\*: Corey J. Wells

Title\*: Bureau Records Officer

Signature\*:

Bureau/Office\*: BLM

Date Signed\*: 3/28/2018

**NOTE:** Manual, physical or digital signatures with approved HSPD-12 are allowed on this form.

Please return this document to the eERDMS Security Administrator, [os\\_recordsmanagement@ios.doi.gov](mailto:os_recordsmanagement@ios.doi.gov), or Departmental Records Officer, Mr. David Alspach via electronic mail at: [David.Alspace@ios.doi.gov](mailto:David.Alspace@ios.doi.gov).

# Conversation Contents

Re: Dep. Sec. order on FOIA review

**"Irish, Tony" <tony.irish@sol.doi.gov>**

---

**From:** "Irish, Tony" <tony.irish@sol.doi.gov>  
**Sent:** Wed Apr 11 2018 11:17:30 GMT-0600 (MDT)  
**To:** "Collier, Briana" <briana.collier@sol.doi.gov>  
Josaphat Plater-Zyberk <josaphat.plater-zyberk@sol.doi.gov>, Lauren Bachtel <lauren.bachtel@sol.doi.gov>, Wyndy Rausenberger <Wyndy.Rausenberger@sol.doi.gov>, Ryan Sklar <ryan.sklar@sol.doi.gov>, Rachel Spector <Rachel.Spector@sol.doi.gov>, Timothy Murphy <timothy.murphy@sol.doi.gov>, "Cafaro, Cindy" <cindy\_cafaro@ios.doi.gov>  
**CC:**  
**Subject:** Re: Dep. Sec. order on FOIA review

I think there are some fundamental misunderstandings of what is going on. The Department is rethinking the FOIA review process due to the substantial surge in FOIA requests received. The Deputy Secretary is working with SOL and Exec Sec to examine the protocol for processing FOIA responses. We hope and expect to have some clear written guidance in the near future. Please let us know if you have any additional questions. I've also cc'ed the Department's FOIA Officer, Cindy Cafaro, as well as Rachel Spector and Tim Murphy on the General Law side.

Tony Irish  
Division of General Law  
Office of the Solicitor  
Department of the Interior  
202-208-5065 (phone)

On Wed, Apr 11, 2018 at 12:58 PM, Collier, Briana <[briana.collier@sol.doi.gov](mailto:briana.collier@sol.doi.gov)> wrote:

Does anyone have a copy of the Deputy Secretary's order, re: allowing the Office of the Secretary to see planned FOIA releases of sensitive information before they are released for their awareness, that they can send to me?

Briana Collier  
Attorney-Adviser, Division of Mineral Resources  
U.S. Department of the Interior, Office of the Solicitor  
[505 Marquette Ave., NW Ste.1800](#)  
[Albuquerque, NM 87102](#)

Phone: (505) 248-5604

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**"Cafaro, Cindy" <cindy\_cafaro@ios.doi.gov>**

---

**From:** "Cafaro, Cindy" <cindy\_cafaro@ios.doi.gov>  
**Sent:** Wed Apr 11 2018 11:19:22 GMT-0600 (MDT)  
**To:** "Irish, Tony" <tony.irish@sol.doi.gov>  
**Subject:** Re: Dep. Sec. order on FOIA review

Thank you, Tony.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

On Wed, Apr 11, 2018 at 1:17 PM, Irish, Tony <[tony.irish@sol.doi.gov](mailto:tony.irish@sol.doi.gov)> wrote:

I think there are some fundamental misunderstandings of what is going on. The Department is rethinking the FOIA review process due to the substantial surge in FOIA requests received. The Deputy Secretary is working with SOL and Exec Sec to examine the protocol for processing FOIA responses. We hope and expect to have some clear written guidance in the near future. Please let us know if you have any additional questions. I've also cc'ed the Department's FOIA Officer, Cindy Cafaro, as well as Rachel Spector and Tim Murphy on the General Law side.

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Division of General Law  
Office of the Solicitor  
Department of the Interior  
202-208-5065 (phone)

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Briana Collier  
Attorney-Adviser, Division of Mineral Resources  
U.S. Department of the Interior, Office of the Solicitor  
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---

**"Rausenberger, Wyndy" <wyndy.rausenberger@sol.doi.gov>**

**From:** "Rausenberger, Wyndy" <wyndy.rausenberger@sol.doi.gov>  
**Sent:** Wed Apr 11 2018 11:18:42 GMT-0600 (MDT)  
**To:** "Irish, Tony" <tony.irish@sol.doi.gov>  
"Collier, Briana" <briana.collier@sol.doi.gov>, Josaphat Plater-Zyberk <josaphat.plater-zyberk@sol.doi.gov>, Lauren Bachtel <lauren.bachtel@sol.doi.gov>, Ryan Sklar <ryan.sklar@sol.doi.gov>, Rachel Spector <Rachel.Spector@sol.doi.gov>, Timothy Murphy <timothy.murphy@sol.doi.gov>, "Cafaro, Cindy" <cindy\_cafaro@ios.doi.gov>  
**CC:**  
**Subject:** Re: Dep. Sec. order on FOIA review

Thanks, Tony.

Wyndy Rausenberger  
Attorney-Advisor  
DOI Office of the Solicitor, Division of Mineral Resources  
Branch of Onshore Minerals  
Office: (202) 208-5360  
Mobile: (301) 237-7325  
Fax: (202) 208-2225  
[wyndy.rausenberger@sol.doi.gov](mailto:wyndy.rausenberger@sol.doi.gov)

On Wed, Apr 11, 2018 at 1:17 PM, Irish, Tony <[tony.irish@sol.doi.gov](mailto:tony.irish@sol.doi.gov)> wrote:

I think there are some fundamental misunderstandings of what is going on. The Department is rethinking the FOIA review process due to the substantial surge in FOIA requests received. The Deputy Secretary is working with SOL and Exec Sec to examine the protocol for processing FOIA responses. We hope and expect to have some clear written guidance in the near future. Please let us know if you have any additional questions. I've also cc'ed the Department's FOIA Officer, Cindy Cafaro, as well as Rachel Spector and Tim Murphy on the General Law side.

Tony Irish  
Division of General Law  
Office of the Solicitor  
Department of the Interior  
202-208-5065 (phone)

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Briana Collier  
Attorney-Adviser, Division of Mineral Resources  
U.S. Department of the Interior, Office of the Solicitor  
[505 Marquette Ave., NW Ste.1800  
Albuquerque, NM 87102](https://www.doi.gov/505-Marquette-Ave.-NW-Ste.1800-Albuquerque-NM-87102)

Phone: (505) 248-5604

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OS-2018-00959-00827





## Conversation Contents

USGS FOIA 2018-00028 - Request Assistance Moving Augmented Review in W&S

"May, Brian" <bmay@usgs.gov>

---

**From:** "May, Brian" <bmay@usgs.gov>  
**Sent:** Mon May 07 2018 07:35:55 GMT-0600 (MDT)  
**To:** "Howarth, Robert" <robert\_howarth@ios.doi.gov>, "Cafaro, Cindy" <cindy\_cafaro@ios.doi.gov>  
**CC:** Dale Anglin <danglin@usgs.gov>  
**Subject:** USGS FOIA 2018-00028 - Request Assistance Moving Augmented Review in W&S

Good Morning Rob,

can you help move the Water and Science Augmented Review for USGS FOIA 2018-00028? It's been pending Water and Science's review since April 11, 2018. I've tried to handle this as best as I could at my level; unfortunately, Water and Science hasn't completed their review yet. This email string lists the relevant history; although, I did request a status update last week too and did not hear back from Bill Lukas.

Feel free to call me if you would like to discuss this with me or if you need any additional information.

Sincerely,

brian  
Brian A. May  
Freedom of Information Act (FOIA) Officer  
FOIA Public Liaison  
U.S. Geological Survey  
Department of the Interior  
5522 Research Park Drive  
Baltimore, MD 21228  
(443) 498-5521 (office) **\*\*voicemail not working, best to reach me by email\*\***  
(443) 498-5510 (fax)  
[bmay@usgs.gov](mailto:bmay@usgs.gov)

----- Forwarded message -----

**From:** Lukas, William <[wlukas@usgs.gov](mailto:wlukas@usgs.gov)>  
**Date:** Mon, May 7, 2018 at 9:26 AM  
**Subject:** Re: USGS FOIA 2018-00028 - Any Update?  
**To:** "May, Brian" <[bmay@usgs.gov](mailto:bmay@usgs.gov)>  
**Cc:** Judy Nowakowski <[jnowakowski@usgs.gov](mailto:jnowakowski@usgs.gov)>, Dale Anglin <[danglin@usgs.gov](mailto:danglin@usgs.gov)>

Hi Brian

Still not sure why the delay. With the COOP exercise today and tomorrow I may not be able to get a response until Wednesday

\* \* \* \* \*

Bill Lukas | 202-208-4457  
USGS Liaison to Water & Science  
[asws\\_liaison@usgs.gov](mailto:asws_liaison@usgs.gov)

On Mon, May 7, 2018 at 9:08 AM, May, Brian <[bmay@usgs.gov](mailto:bmay@usgs.gov)> wrote:

Good Morning Bill,

any update regarding USGS FOIA request 2018-00028? Feel free to call me in the office if you would like to discuss the FOIA request with me.

Sincerely,

brian  
Brian A. May  
Freedom of Information Act (FOIA) Officer  
FOIA Public Liaison  
U.S. Geological Survey  
Department of the Interior  
[5522 Research Park Drive](#)  
[Baltimore, MD 21228](#)  
(443) 498-5521 (office) **\*\*voicemail not working, best to reach me by email\*\***  
(443) 498-5510 (fax)  
[bmay@usgs.gov](mailto:bmay@usgs.gov)

On Wed, Apr 25, 2018 at 2:47 PM, Lukas, William <[wlukas@usgs.gov](mailto:wlukas@usgs.gov)> wrote:

Thanks Brian.

I'll follow up here. I was under the impression W+S was going to give it's blessing. Stand by.

\* \* \* \* \*

Bill Lukas | 202-208-4457  
USGS Liaison to Water & Science  
[asws\\_liaison@usgs.gov](mailto:asws_liaison@usgs.gov)

On Wed, Apr 25, 2018 at 2:17 PM, May, Brian <[bmay@usgs.gov](mailto:bmay@usgs.gov)> wrote:

Good Afternoon Bill,

do you or does W&S have an update regarding USGS FOIA request 2018-00028? I'd really like to close the request this week so that we do not get sued. Feel free to call me in the office if you would like to discuss the FOIA request with me.

Sincerely,

brian  
Brian A. May  
Freedom of Information Act (FOIA) Officer  
FOIA Public Liaison  
U.S. Geological Survey  
Department of the Interior  
[5522 Research Park Drive](#)  
[Baltimore, MD 21228](#)  
(443) 498-5521 (office) \*\*voicemail not working, best to reach me by email\*\*  
(443) 498-5510 (fax)  
[bmay@usgs.gov](mailto:bmay@usgs.gov)

----- Forwarded message -----

From: Nowakowski, Judy <[jnowakowski@usgs.gov](mailto:jnowakowski@usgs.gov)>  
Date: Wed, Apr 25, 2018 at 1:19 PM  
Subject: Re: USGS FOIA 2018-00028 - Any word from W&S?  
To: "May, Brian" <[bmay@usgs.gov](mailto:bmay@usgs.gov)>  
Cc: Dale Anglin <[danglin@usgs.gov](mailto:danglin@usgs.gov)>

Hi Brian, please do ask Bill Lukas for a status update, and copy me. Thanks!

On Wed, Apr 25, 2018 at 9:00 AM, May, Brian <[bmay@usgs.gov](mailto:bmay@usgs.gov)> wrote:

Good Morning Judy,

have you heard from W&S regarding FOIA request 2018-00028 that is pending their Augmented Review? If not, should we ask W&S for an update on FOIA request 2018-00028 or should I go through Rob Howarth at the Dept to request a status update?

I'm getting ready to head to Reston for a meeting. I won't be back in the office until around 2:30 PM. I'm not taking my laptop; however, I am taking my personal cell - (b) (6)

Thank you for your time.

Sincerely,

brian  
Brian A. May  
Freedom of Information Act (FOIA) Officer  
FOIA Public Liaison  
U.S. Geological Survey  
Department of the Interior  
[5522 Research Park Drive](#)  
[Baltimore, MD 21228](#)  
(443) 498-5521 (office) \*\*voicemail not working, best to reach me by email\*\*  
(443) 498-5510 (fax)  
[bmay@usgs.gov](mailto:bmay@usgs.gov)

On Tue, Apr 17, 2018 at 12:00 PM, Nowakowski, Judy <[jnowakowski@usgs.gov](mailto:jnowakowski@usgs.gov)> wrote:

Hi Brian, would you mind giving me a call (703-648-4411) about this when you have a minute? Thanks!

On Tue, Apr 17, 2018 at 11:25 AM, May, Brian <[bmay@usgs.gov](mailto:bmay@usgs.gov)> wrote:

Thanks Bill, can you include Dale Anglin, Chief, Office of Information Management and Delivery (OIMD) on the invitation? He's my supervisor and Cc'd on this email. Both Joe Seger, Deputy Chief, Office of Enterprise Information (OEI) and Tim Quinn, Chief, OEI are also copied on this email, as my full chain of command.

Sincerely,

brian  
Brian A. May



Freedom of Information Act (FOIA) Officer  
FOIA Public Liaison  
U.S. Geological Survey  
Department of the Interior  
[5522 Research Park Drive](#)  
[Baltimore, MD 21228](#)  
(443) 498-5521 (office) \*\*voicemail not working, best to reach me by email\*\*  
(443) 498-5510 (fax)  
[bmav@usgs.gov](mailto:bmav@usgs.gov)

On Tue, Apr 17, 2018 at 10:00 AM, Lukas, William <[wlukas@usgs.gov](mailto:wlukas@usgs.gov)> wrote:

I think phone is fine. Fortunately, there is some buffer time at 12-noon, so if we extend a bit, we are covered. Let me know if you want to provide any materials for this. I can print them in advance. Also, if anyone else should be part of the briefing. I am going to include Judy of course.

Thanks. Glad you checked in!

\* \* \* \* \*

Bill Lukas | 202-208-4457  
USGS Liaison to Water & Science  
[asws\\_liaison@usgs.gov](mailto:asws_liaison@usgs.gov)

On Tue, Apr 17, 2018 at 9:57 AM, May, Brian <[bmav@usgs.gov](mailto:bmav@usgs.gov)> wrote:

Hi Bill,

yes, I think that I can cover the records in 30 minutes. I'm free on Thursday at 11:30 AM Eastern. Would you need me to travel to D.C. or can we do a briefing over the telephone or using one of our collaborative systems (Google Hangout, Skype, Avaya)?

Sincerely,

brian  
Brian A. May  
Freedom of Information Act (FOIA) Officer  
FOIA Public Liaison  
U.S. Geological Survey  
Department of the Interior  
[5522 Research Park Drive](#)  
[Baltimore, MD 21228](#)  
(443) 498-5521 (office) \*\*voicemail not working, best to reach me by email\*\*  
(443) 498-5510 (fax)  
[bmav@usgs.gov](mailto:bmav@usgs.gov)

On Tue, Apr 17, 2018 at 9:42 AM, Lukas, William <[wlukas@usgs.gov](mailto:wlukas@usgs.gov)> wrote:

Brian

Do you think this is something that can be discussed in 30 min or so? Problem on this end is Tim is preparing for a hearing tomorrow so his free time is set aside for preparation. If we can do 11:30am Thursday, that could work. I'm going to hold it just in case.

\* \* \* \* \*

Bill Lukas | 202-208-4457  
USGS Liaison to Water & Science  
[asws\\_liaison@usgs.gov](mailto:asws_liaison@usgs.gov)

On Tue, Apr 17, 2018 at 8:32 AM, Lukas, William <[wlukas@usgs.gov](mailto:wlukas@usgs.gov)> wrote:

Thanks Brian. Good information to have. I'll get back to you real soon.

\* \* \* \* \*

Bill Lukas | 202-208-4457  
USGS Liaison to Water & Science  
[asws\\_liaison@usgs.gov](mailto:asws_liaison@usgs.gov)

On Tue, Apr 17, 2018 at 8:13 AM, May, Brian <[bmav@usgs.gov](mailto:bmav@usgs.gov)> wrote:

Good Morning Bill,

yes, we're on a deadline. This request is old (no fault of W&S) and the Center for Biological Diversity informed USGS of their impatience, which may lead to a lawsuit. On February 23, 2018, the requester sent USGS the attached Notice of Deadline Violation and informed USGS of their impatience and their willingness to go to court if we continued to delay our response. On February 28, 2018, I responded to the Center for Biological Diversity and informed them that we anticipated responding by April 13th. On April 6th, I emailed the Center for Biological Diversity and informed them that I sent the package to the Office of the Solicitor, Division of General Law for a legal review and that I anticipated responding their request by Monday, April 30th.

The Department FOIA Office informed all bureau FOIA Officers that we are to allow DOI political appointees (or their staff) three duty days (72 hours) to review FOIA packages for the Augmented Review process, that's why I sent an email. Last year the Center for Biological Diversity Court initiated a FOIA litigation based on timeliness and given their actions with this request, I'd assume they are willing to do that again. If possible, I'd really like to avoid a lawsuit based on timeliness.

If W&S would like a briefing, Thursday before 4 PM and any time on Friday work best for me.

Thank you for your time.

Sincerely,

brian  
Brian A. May  
Freedom of Information Act (FOIA) Officer  
FOIA Public Liaison  
U.S. Geological Survey  
Department of the Interior  
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(443) 498-5521 (office) \*\*voicemail not working, best to reach me by email\*\*  
(443) 498-5510 (fax)  
[bmay@usgs.gov](mailto:bmay@usgs.gov)

On Tue, Apr 17, 2018 at 7:52 AM, Lukas, William <[wlukas@usgs.gov](mailto:wlukas@usgs.gov)> wrote:

Hi Brian

I don't think they have even had time to look at it yet. Is there a deadline we are working with?

One thought here is since this is a massive amount of correspondence, is to set up a briefing with you to go over the material and highlight the key documents in this docket. A request hasn't been made yet, but seems likely to me. Particularly if this is urgent.

Thanks

\* \* \* \* \*  
Bill Lukas | 202-208-4457  
USGS Liaison to Water & Science  
[asws\\_liaison@usgs.gov](mailto:asws_liaison@usgs.gov)

On Tue, Apr 17, 2018 at 7:43 AM, May, Brian <[bmay@usgs.gov](mailto:bmay@usgs.gov)> wrote:

Good Morning Judy and Bill,

hope you are well. Do you have any update for this request? Does W&S have any questions or concerns that I can answer or address? If not, can I proceed with redacting the records and closing the request?

Thank you for your time.

Sincerely,

brian  
Brian A. May  
Freedom of Information Act (FOIA) Officer  
FOIA Public Liaison  
U.S. Geological Survey  
Department of the Interior  
[5522 Research Park Drive](#)  
[Baltimore, MD 21228](#)  
(443) 498-5521 (office) \*\*voicemail not working, best to reach me by email\*\*  
(443) 498-5510 (fax)  
[bmay@usgs.gov](mailto:bmay@usgs.gov)

On Wed, Apr 11, 2018 at 4:53 PM, Nowakowski, Judy <[jnowakowski@usgs.gov](mailto:jnowakowski@usgs.gov)> wrote:

Hi Bill,

Our proposed response to a request under the FOIA by the Center for Biological Diversity for records related to the status of the Eastern Geographic Science Center is at the link below and ready for review by W&S. DOI political appointees are involved in some of the emails in at least the first and third folders. The fourth folder is really large (almost 500 pages); I don't think any of those emails involve political appointees but I only skimmed through it so can't guarantee that (Brian may know). Please note the guidance from Cindy Cafaro is that we should send all of the records forward for review, not just those that involve DOI politicals.

Please let us know if there are questions.

Thanks!

----- Forwarded message -----

From: May, Brian <[bmay@usgs.gov](mailto:bmay@usgs.gov)>  
Date: Wed, Apr 11, 2018 at 1:50 PM  
Subject: USGS FOIA 2018-00028 - Request to Review Records and Coordinate Review with W&S  
To: Judy Nowakowski <[jnowakowski@usgs.gov](mailto:jnowakowski@usgs.gov)>  
Cc: "Quinn, Timothy" <[tsquinn@usgs.gov](mailto:tsquinn@usgs.gov)>, Joseph Seger <[jseger@usgs.gov](mailto:jseger@usgs.gov)>, Joanne C Taylor <[jctaylor@usgs.gov](mailto:jctaylor@usgs.gov)>, Dale Anglin <[danglin@usgs.gov](mailto:danglin@usgs.gov)>

Good Afternoon Judy,

hope you are well. Following up to our discussion last week, I'm sending our first FOIA request that requires an Augmented Review from Water and Science (W&S) to you to review and coordinate with W&S. I spoke with Cindy Cafaro today and she said that we need to send all of the records to the political appointees to review, not just the records that may reference them or that were sent to them.

You can find the package on Google Drive: <https://drive.google.com/drive/folders/1GrTALOfYaWDNVagq0cjj-WBU7JsHYCG>

I added an electronic sticky note in Gabe Lohr's legal review documenting our discussion today. The one item that remains unresolved is the redaction of an email address in Bill's two page email (see highlight and sticky note in that collection). Please let me know if you would like to call me to discuss the package with you.

Thank you for your time.

Sincerely,

brian  
Brian A. May  
Freedom of Information Act (FOIA) Officer  
FOIA Public Liaison  
U.S. Geological Survey  
Department of the Interior  
[5522 Research Park Drive](#)  
[Baltimore, MD 21228](#)  
(443) 498-5521 (office) \*\*voicemail not working, best to reach me by email\*\*  
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[bmav@usgs.gov](mailto:bmav@usgs.gov)



## Conversation Contents

### Draft for Tomorrow Meeting

#### Attachments:

/16. Draft for Tomorrow Meeting/1.1 PART TWO Day in the Life of the OS FOIA Office.docx  
/16. Draft for Tomorrow Meeting/5.1 PART TWO Day in the Life of the OS FOIA Office.docx

"Howarth, Robert" <[robert\\_howarth@ios.doi.gov](mailto:robert_howarth@ios.doi.gov)>

---

**From:** "Howarth, Robert" <[robert\\_howarth@ios.doi.gov](mailto:robert_howarth@ios.doi.gov)>  
**Sent:** Thu May 10 2018 16:39:06 GMT-0600 (MDT)  
**To:** Juliette Lillie <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>, Cindy Cafaro <[cindy\\_cafaro@ios.doi.gov](mailto:cindy_cafaro@ios.doi.gov)>, Clarice Julka <[clarice\\_julka@ios.doi.gov](mailto:clarice_julka@ios.doi.gov)>, Timothy Murphy <[timothy.murphy@sol.doi.gov](mailto:timothy.murphy@sol.doi.gov)>, Rachel Spector <[Rachel.Spector@sol.doi.gov](mailto:Rachel.Spector@sol.doi.gov)>, "Dearman, Tony" <[tony.dearman@bie.edu](mailto:tony.dearman@bie.edu)>  
**Subject:** Draft for Tomorrow Meeting  
**Attachments:** PART TWO Day in the Life of the OS FOIA Office.docx

Good evening. Attached is a draft document from OES for discussion at tomorrow's 10:00 meeting on FOIA Process Review.

See you at 10.

Rob

--

Robert Howarth  
Deputy Director for Correspondence and FOIA Management  
Office of the Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-3181  
202-208-4451 (direct)  
202-549-8961 (cell)

"Cafaro, Cindy" <[cindy\\_cafaro@ios.doi.gov](mailto:cindy_cafaro@ios.doi.gov)>

---

**From:** "Cafaro, Cindy" <[cindy\\_cafaro@ios.doi.gov](mailto:cindy_cafaro@ios.doi.gov)>  
**Sent:** Fri May 11 2018 06:45:09 GMT-0600 (MDT)  
**To:** "Irish, Tony" <[tony.irish@sol.doi.gov](mailto:tony.irish@sol.doi.gov)>  
**Subject:** Fwd: Draft for Tomorrow Meeting  
**Attachments:** PART TWO Day in the Life of the OS FOIA Office.docx

And the email with the attachment...

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

----- Forwarded message -----

**From:** Howarth, Robert <[robert\\_howarth@ios.doi.gov](mailto:robert_howarth@ios.doi.gov)>  
**Date:** Thu, May 10, 2018 at 6:39 PM  
**Subject:** Draft for Tomorrow Meeting  
**To:** Juliette Lillie <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>, Cindy Cafaro <[cindy\\_cafaro@ios.doi.gov](mailto:cindy_cafaro@ios.doi.gov)>, Clarice Julka <[clarice\\_julka@ios.doi.gov](mailto:clarice_julka@ios.doi.gov)>, Timothy Murphy <[timothy.murphy@sol.doi.gov](mailto:timothy.murphy@sol.doi.gov)>, Rachel Spector <[Rachel.Spector@sol.doi.gov](mailto:Rachel.Spector@sol.doi.gov)>, "Dearman, Tony" <[tony.dearman@bie.edu](mailto:tony.dearman@bie.edu)>

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Rob

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Robert Howarth  
Deputy Director for Correspondence and FOIA Management  
Office of the Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-3181  
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202-549-8961 (cell)

### **Day in the Life of the OS FOIA Office**

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Today, the OS FOIA Office (Office) has 7 FTEs (1 OS FOIA Officer, 5 processors, and 1 administrative staff) to process all incoming FOIA requests to the Office of the Secretary. Since August 2017, the Office has had 1 contractor assisting with intake procedures—though position has now been vacant for two months. In addition, the Office also has had rotating intake assistance from 3 staff members from OES and 1 staff member from the FOIA Policy Office for selective processing assistance.

### **Calendar Year 2017 through Present**

The Office is facing two separate but related challenges that contribute to a growing backlog: 1) immediate and growing litigation demands on the OS FOIA processing staff to process and produce a monthly minimum number of pages per case, and 2) inability to process and close non-litigation FOIAs at rate that exceeds the rate of incoming FOIAs, which in turn directly leads to more FOIA litigation.

#### **Litigation**

Currently, four of the five processors begin and end each day processing existing litigation cases or starting new litigation cases. Each is processing between 3-6 cases simultaneously. The single non-litigation processor is processing non-litigation FOIAs (at an average rate of 2500 pages/week) and reviewing incoming consultations as provided daily by the OS FOIA Officer. Packages are provided based on track and chronology.

Currently, there are 19 active litigation cases against OS FOIA (plus OS FOIA is also involved in some overlapping cases with bureaus) with some requiring a minimum monthly page count for processing and release that the Department has committed to the court. Below are the current required page counts required per month for each processor and their assigned cases.

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| FOIA Processor                    |        |        |        |        |        |        |        |        |        |        |        |        |                                                             |
| Ryan                              |        |        |        |        |        |        |        |        |        |        |        |        |                                                             |
| Litigation                        | 640    | 1256   | 902    | 2927   | 4119   | 3705   | 2181   |        |        |        |        |        | 13,549/2,258                                                |
| Non-Lit                           | 319    | 279    | 755    | 559    | 60     | 0      | 0      |        |        |        |        |        | 1,972/394                                                   |
| Nick                              |        |        |        |        |        |        |        |        |        |        |        |        |                                                             |
| Litigation                        | 2500   | 1855   | 1273   | 7810   | 3724   | 1915   | 2249   |        |        |        |        |        | 19,077/3,179                                                |
| Non-Lit                           | 0      | 0      | 0      | 380    | 0      | 0      | 0      |        |        |        |        |        | 380/380                                                     |
| Leah                              |        |        |        |        |        |        |        |        |        |        |        |        |                                                             |
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| Justin                            |        |        |        |        |        |        |        |        |        |        |        |        |                                                             |
| Litigation                        | 0      | 0      | 0      | 2617   | 3246   | 4209   | 2165   |        |        |        |        |        | 12,237/3,059                                                |
| Non-Lit                           | 3829   | 2834   | 4186   | 2563   | 1240   | 287    | 0      |        |        |        |        |        | 14,939/2,489                                                |
| Jason                             |        |        |        |        |        |        |        |        |        |        |        |        |                                                             |
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In evaluating the more common processing steps associated with evaluating for responsiveness and the application of exemptions, none of these appear to consistently consume the majority or processing time per the processors:

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The current backlog for OS FOIA is as follows (based on track):

- 21 (expedited);
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Total: 1114 (**need to update numbers**)

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- Litigation:    FY 15 - 1  
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The Office currently receives an average of 10 FOIA requests a day. On average, the Office receives 150 FOIA requests monthly.

Due to the extraordinary volume of incoming FOIA requests, the intake process (initial processing of incoming FOIA – see below) now takes approximately 4-6 weeks from the incoming date. Intake involves the OS FOIA Officer and 1 FTE administrative staff, 3 rotating staff\* from other OES offices, and 1 contractor when available. The intake process time has increased from 30-45 minutes to 90 minutes due to assistance from inexperienced rotating staff.

\*One of the rotating staff collect records from DTS and obtains and reviews calendars from senior DOI officials for FOIA requests assigned to the simple and/or normal FOIA track.

#### Processing Procedures:



- 1) Review the incoming records from custodians for responsiveness and apply appropriate exemptions where applicable. Depending on the needs of the particular FOIA request, this could also entail the following actions:
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In addition, FOIA employees throughout the Department are seeking to increase their use of the email Enterprise Records and Document Management System (eERDMS) for FOIA searches when a bureau knows a current employee is, or former employee was, reasonably likely to have responsive emails and his/her emails cannot be searched for and retrieved outside of eERDMS. OS FOIA processors have recently had limited opportunity to utilize eERDMS for other searches, in a Beta test, and to collect email records from certain custodians (PAS staff).

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- 5) The processor then assures that all electronic folder and files are complete and works with the administrative staff to close the record.
- 6) The processor assisted with litigation, when needed.

**Average Total Time for processing/per person:** Generally, once records are received, processing documents (and all the actions associated with it) per FOIA (expedited, simple, normal, complex, and exceptional/voluminous) ranges from one to two weeks depending on volume and complexity of documents.

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The intake tasks remain the same, as follows:

- 1) Enter all incoming written FOIA requests via email, fax, or mail into the Electronic FOIA Tracking System (EFTS) and created both a physical copy and electronic folder (in the F-Drive to retain all records associated with the FOIA request—*a cradle to grave system*) to maintain all records associated with the FOIA;
- 2) With the assistance of the OS FOIA Officer:
  - a) Each FOIA request is reviewed to ensure it is *perfected* (i.e., the scope of the request was clear and fee issues resolved, if it is not perfected, the requester is contacted and given 20 days to perfect the request);
  - b) Decide on what the proper processing track appears to be and what would entail a reasonable search for records. Generally, when request requires searches outside of OES and the OS FOIA Officer does not expect the need for significant review, the Office places them in the complex track. Searches conducted by the Office (i.e., DTS) are placed in the simple or normal track.

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#### **§2.14 In what order are responses usually made?**

The bureau ordinarily will respond to requests according to their order of receipt within their processing track

#### **§2.15 What is multitrack processing and how does it affect your request?**

- (a) Bureaus use processing tracks to distinguish simple requests from more complex ones on the basis of the estimated number of workdays needed to process the request.
- (b) In determining the number of workdays needed to process the request, the bureau considers factors such as the number of pages involved in processing the request or the need for consultations.
- (c) The basic processing tracks are designated as follows:
  - (1) Simple: requests in this track will take between one to five workdays to process;
  - (2) Normal: requests in this track will take between six to twenty workdays to process;
  - (3) Complex: requests in this track will take between twenty-one workdays and sixty workdays to process; or

(4) Exceptional/Voluminous: requests in this track involve very complex processing challenges, which may include a large number of potentially responsive records, and will take over sixty workdays to process.

(d) Bureaus also have a specific processing track for requests that are granted expedited processing under the standards in §2.20 of this part. These requests will be processed as soon as practicable.

(e) Bureaus must advise you of the track into which your request falls and, when appropriate, will offer you an opportunity to narrow your request so that it can be placed in a different processing track. If you request placement in a particular processing track but the bureau places you in a different processing track, the bureau will provide you with an explanation of why you were not placed in the processing track you requested.

(f) The use of multitrack processing does not alter the statutory deadline for a bureau to determine whether to comply with your FOIA request (see §2.16 of this part).

(g) You may track the status of your request, including its estimated processing completion date, at <https://foia.doi.gov/requeststatus/>.

- 
- c) Attempt to determine where to send the search(es) based on experience or asking subject matter experts.
  - d) Make a determination (OS FOIA Office) whether expedited processing will be granted based upon review of the request's justification for expedited processing and the FOIA law and regulations; and
  - e) Prepare and send acknowledgement letters, which included the EFTS-issued number as well as the processing track.
- 3) Respond to incoming emails and calls from requestors on the status of their FOIA requests; and
  - 4) Monitor incoming FOIA requests via OS FOIA Mailbox.

**Currently, administrative staff are no longer conducting regular follow-ups with custodians to obtain records due to lack of time, pressure to meet intake deadlines, or work with processors on productions for non-litigation FOIAs.**

Average Total Time for Intake Action/per person: As stated above, due to the unprecedented volume, the intake process once started is completed within 48 hours of receipt of a FOIA. On average, the intake process time has increased from 30-45 minutes to 90 minutes due to assistance from inexperienced rotating staff.

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- 2) With the assistance of the OS FOIA Officer:
  - a) Each FOIA request is reviewed to ensure it is *perfected* (i.e., the scope of the request was clear and fee issues resolved, if it is not perfected, the requester is contacted and given 20 days to perfect the request);
  - b) Decide on what the proper processing track appears to be and what would entail a reasonable search for records. Generally, when request requires searches outside of OES and the OS FOIA Officer does not expect the need for significant review, the Office places them in the complex track. Searches conducted by the Office (i.e., DTS) are placed in the simple or normal track.

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#### **§2.14 In what order are responses usually made?**

The bureau ordinarily will respond to requests according to their order of receipt within their processing track

#### **§2.15 What is multitrack processing and how does it affect your request?**

- (a) Bureaus use processing tracks to distinguish simple requests from more complex ones on the basis of the estimated number of workdays needed to process the request.
- (b) In determining the number of workdays needed to process the request, the bureau considers factors such as the number of pages involved in processing the request or the need for consultations.
- (c) The basic processing tracks are designated as follows:
  - (1) Simple: requests in this track will take between one to five workdays to process;
  - (2) Normal: requests in this track will take between six to twenty workdays to process;
  - (3) Complex: requests in this track will take between twenty-one workdays and sixty workdays to process; or



(4) Exceptional/Voluminous: requests in this track involve very complex processing challenges, which may include a large number of potentially responsive records, and will take over sixty workdays to process.

(d) Bureaus also have a specific processing track for requests that are granted expedited processing under the standards in §2.20 of this part. These requests will be processed as soon as practicable.

(e) Bureaus must advise you of the track into which your request falls and, when appropriate, will offer you an opportunity to narrow your request so that it can be placed in a different processing track. If you request placement in a particular processing track but the bureau places you in a different processing track, the bureau will provide you with an explanation of why you were not placed in the processing track you requested.

(f) The use of multitrack processing does not alter the statutory deadline for a bureau to determine whether to comply with your FOIA request (see §2.16 of this part).

(g) You may track the status of your request, including its estimated processing completion date, at <https://foia.doi.gov/requeststatus/>.

- 
- c) Attempt to determine where to send the search(es) based on experience or asking subject matter experts.
  - d) Make a determination (OS FOIA Office) whether expedited processing will be granted based upon review of the request's justification for expedited processing and the FOIA law and regulations; and
  - e) Prepare and send acknowledgement letters, which included the EFTS-issued number as well as the processing track.
- 3) Respond to incoming emails and calls from requestors on the status of their FOIA requests; and
  - 4) Monitor incoming FOIA requests via OS FOIA Mailbox.

**Currently, administrative staff are no longer conducting regular follow-ups with custodians to obtain records due to lack of time, pressure to meet intake deadlines, or work with processors on productions for non-litigation FOIAs.**

Average Total Time for Intake Action/per person: As stated above, due to the unprecedented volume, the intake process once started is completed within 48 hours of receipt of a FOIA. On average, the intake process time has increased from 30-45 minutes to 90 minutes due to assistance from inexperienced rotating staff.

## Conversation Contents

Revised memo

**Attachments:**

/19. Revised memo/1.1 MASTER Revised Day in the Life of the OS FOIA Office.docx  
/19. Revised memo/2.1 MASTER Revised Day in the Life of the OS FOIA Office csc.docx

**"Howarth, Robert" <robert\_howarth@ios.doi.gov>**

---

**From:** "Howarth, Robert" <robert\_howarth@ios.doi.gov>  
**Sent:** Wed May 09 2018 15:17:49 GMT-0600 (MDT)  
**To:** Cindy Cafaro <cindy\_cafaro@ios.doi.gov>  
**Subject:** Revised memo  
**Attachments:** MASTER Revised Day in the Life of the OS FOIA Office.docx

Hi Cindy...will chat in the AM...need info from you for the yello highlighted sections...not the recommendations sections.

Thanks, Rob

--

Robert Howarth  
Deputy Director for Correspondence and FOIA Management  
Office of the Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-3181  
202-208-4451 (direct)  
202-549-8961 (cell)

**"Cafaro, Cindy" <cindy\_cafaro@ios.doi.gov>**

---

**From:** "Cafaro, Cindy" <cindy\_cafaro@ios.doi.gov>  
**Sent:** Thu May 10 2018 06:21:01 GMT-0600 (MDT)  
**To:** "Howarth, Robert" <robert\_howarth@ios.doi.gov>  
**Subject:** Re: Revised memo  
**Attachments:** MASTER Revised Day in the Life of the OS FOIA Office csc.docx

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

On Wed, May 9, 2018 at 5:17 PM, Howarth, Robert <[robert\\_howarth@ios.doi.gov](mailto:robert_howarth@ios.doi.gov)> wrote:

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### *Day in the Life of the OS FOIA Office*

The Department is struggling to process all of its FOIA requests within the statutory timeframe. From Fiscal Year (FY) 2016 to FY 2017, incoming FOIA requests increased from 6,428 to 8,005. For FY 2018, the Department has already received over 5,000 FOIA requests. The OS FOIA Office now averages 150 requests a month—an almost 50 percent monthly increase from FY 2017 and an almost 300 percent monthly increase from FY 2016. If this rate continues, each of the 5 FOIA processors in the OS FOIA Office will be assigned over 240 FOIA requests in FY 2018, nearly 5 times the FY 2017 Departmental average.

Today, the OS FOIA Office (Office) has 7 FTEs (1 OS FOIA Officer, 5 processors, and 1 administrative staff) to process all incoming FOIA requests to the Office of the Secretary. Since August 2017, the Office has had 1 contractor assisting with intake procedures—though position has now been vacant for two months. In addition, the Office also has had rotating intake assistance from 3 staff members from OES and 1 staff member from the FOIA Policy Office for selective processing assistance.

#### **PRE- Fiscal Year 2017**

##### Administrative Staff – Intake Tasks

Prior to FY 2017, the average annual incoming number of FOIA requests ranged from between 525 to 570 per fiscal year. The sole administrative staff member completed all intake tasks within 48 hours of the receipt of incoming FOIA requests, with assistance from the FOIA processors who each took a turn spending one day every two weeks solely on assisting with administrative matters (this was known as the “Admin Day”). The intake tasks completed were as follows:

- 1) Entered all incoming written FOIA requests via email, fax, or mail into the Electronic FOIA Tracking System (EFTS) and created both a physical copy and electronic folder (in the F-Drive to retain all records associated with the FOIA request—a *cradle to grave system*) to maintain all records associated with the FOIA;
- 2) With the assistance of the OS FOIA Officer:
  - a) Each FOIA request was reviewed to ensure it was *perfected* (i.e., the scope of the request was clear and fee issues resolved, if it was not perfected, the requester was contacted and given 20 days to perfect the request);
  - b) Decided on what the proper processing track appeared to be and what would entail a reasonable search for records. Generally, when request requires searches outside of OES and we did not expect need for significant review, we placed them in the complex track. The Office would attempt to determine where to send the search(es) based on experience or ask other subject matter experts. The FOIA Officer would make determination whether expedited processing would be granted based upon review of the request’s justification for expedited processing and the FOIA law and regulations. [See Appendix 1 for mutlitrack processing] Typically, the searches conducted by the Office were placed in the *simple or normal* track; and

- c) Prepared and sent acknowledgement letters, which included the EFTS-issued number as well as the processing track.
- 3) Responded to incoming emails and calls from requestors on the status of their FOIA requests; and
- 4) Monitored incoming FOIA requests via OS FOIA Mailbox.

Average Total Time for Intake Action/per person: On average, the total intake time per FOIA would be between 30-45 minutes.

### **Processing Staff**

The 5 processors were responsible for completing the following tasks:

- 1) Reviewed the incoming records from custodians for responsiveness and applied appropriate exemptions where applicable. Depending on the needs of the particular FOIA request, this could also entail the following actions:
  - a) Conduct research via the internet;
  - b) Talk directly to the custodians and subject matter experts about the nature of the records;
  - c) Consult with other bureau FOIA officers familiar with the subject matter or the actual records;
  - d) Conduct equity reviews, and/or giving notice to private entities who may have a confidential commercial or financial interest in the records;
  - e) Consult with other Executive Branch agencies on documents;
  - f) Research legal issues with SOL;
  - g) Consult with OCIO on technology issues for processing;
  - h) Coordinate multi-bureau FOIA requests; and
  - i) Coordinate with third-party submitter as needed for Exemption 4;

Typically there are two submitter consults. One before we have made any redaction and the second, after all redactions have been made and approved by SOL. Each requires about 3 weeks to complete.
- 2) Once the review process was completed, one of the other processors peer-reviewed the package prior to being reviewed by the OS FOIA Officer. Once reviewed, the OS FOIA Officer would send the package to the Division of General Law, Office of the Solicitor (SOL), for review if exemptions had been applied to the production or the matter was sensitive.
- 3) Depending on the nature and complexity of the package, the processor and the attorney assigned may have discussed certain applied exemptions or exemptions that were not applied.
- 4) Once the package was returned from SOL, it was possible that the OS FOIA Officer provided OES an approximate 24-hour awareness on selected FOIAs prior to its mailing so that senior Department staff would an opportunity to view the production.



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- 5) The processor then finalized the package to go to the requestor and possible posting on to the OA FOIA Library. Prior to 2017, posting would occur as needed or on weekly basis. Posting took average of 20 minutes and about 30% of FOIA productions were posted.
- 6) The processor then assured that all electronic folder and files were complete and worked with the administrative staff to close the record.
- 7) The processor assisted with litigation, when needed.

**Average processing time:** The time for OS FOIA to process records: Average 1 week per FOIA. Average time for SOL review: Ranged from 2 weeks to several months.

**(b) (5)**

For FY 2015 and FY 2016, the following statistics reflect an OS FOIA staff able to maintain a productive office:

Incoming: FY 15 - 571  
FY 16 - 512

Processed: FY 15 - 547  
FY 16 - 540

Backlog: FY 15 - 39  
FY 16 - 33

Litigation: FY 15 - 1  
FY 16 - 0

### **Fiscal Year 2017 through Present**

#### **Administrative Staff – Intake Tasks**

Due to the extraordinary volume of incoming FOIA requests, the intake process now takes approximately 4-6 weeks from the incoming date. Intake involves the FOIA Officer and 1 FTE administrative staff, 3 rotating staff\* from other OES offices, and the 1 contractor, when the position is filled. Today, it is not unheard of that on some Mondays, the Office is greeted with as many as 50 new requests to process from the weekend. On average, we receive more than 7 per workday. Currently the backlogs are as follows: 0 (simple); 46 (normal); 1038 (complex); 9 (exceptional/voluminous); 21 (expedited).

\*One of the rotating staff collect records from DTS and obtains and reviews calendars from senior DOI officials for FOIAs assigned to the simple and/or normal FOIA track.

## DRAFT Deliberative

The Intake staff perform the following actions (in the same order as discussed above, with changes noted):

1. Unchanged.
2.
  - a. Unchanged.
  - b. Unchanged.
  - c. Unchanged.
3. Unchanged
4. Unchanged

**Average Total Time for Intake Action/per person:** As stated above, due to the unprecedented volume, the intake process is started and completed within 48 hours of receipt of a FOIA. On average, the intake process time has increased from 45 minutes to 90 minutes. Currently, the Office is a month behind in the intake process for incoming FOIAs.

In addition to the traditional process of requesting records from custodians discussed below, FOIA employees throughout the Department are now permitted to use the email Enterprise Records and Document Management System (eERDMS) for FOIA searches when a bureau knows a current employee is, or former employee was, reasonably likely to have responsive emails and his/her emails cannot be searched for and retrieved outside of eERDMS. OS FOIA processors have recently had limited opportunity to utilize eERDMS for other searches, in a Beta test, and to collect email records from certain custodians. (b) (5)

Office staff review and determine if an incoming request is requests are now reviewed for their potential for an eERDMS search.

### **Recommendations:**

(b) (5)

### **Processing Staff**

Currently, four of the five processors begin and end each day processing documents (and all related tasks with the litigation process) for existing litigation cases or are starting new cases. The single non-litigation processor is processing non-litigation FOIAs and reviewing incoming consultations as provided daily by OS FOIA Officer. Packages are provided based on track, chronology, and complexity.

The 5 FOIA processors are responsible for completing the following tasks:

1. Unchanged, though calls or emails from custodians who have questions or concerns about a specific FOIA request have increased in sharply due to the nature of the incoming FOIA requests. In addition, depending on staff levels, the Office may attempt to do rolling productions. However, at the present time, it has been difficult to keep track of when records are received, especially when the searches are partially fulfilled. Thus, the

Office has waited until it is clear that all searches have been completed and records produced.

2. **Changed** – no time for peer review.

3. Unchanged

4. **Changed.** (b) (5)

Once he/she determines the names, an email is sent to all current Schedule C and/or PAS employee(s) for a 72 hour awareness to 5 days review. The Deputy Chief of Staff, Director of Communications, and the Deputy Solicitor are cc'd on each OS FOIA packages only.

5. **Changed** – Individual posting have increased in volume and occur on an as needed basis.

6. Unchanged

7. **Changed** - Requested searches in FY 17 and FY 18 for custodians in the Office of the Secretary range from a single individual to as many as 30 custodians per each FOIA request. Response time for records has gone from several days to several weeks or months to no response at all. In addition, FOIA employees throughout the Department are now permitted to use the email Enterprise Records and Document Management System (eERDMS) for FOIA searches when a bureau knows a current employee is, or former employee was, reasonably likely to have responsive emails and his/her emails cannot be searched for and retrieved outside of eERDMS. OS FOIA processors have recently had limited opportunity to utilize eERDMS for other searches, in a Beta test, and to collect email records from certain custodians. (b) (5)

Office staff review and determine if an incoming request is requests are now reviewed for their potential for an eERDMS search.

With the increased volume of incoming FOIA requests, both administrative and processing staff have not been able to keep up with their respective tasks as well as conduct regular follow-ups with custodians for records. This and other factors has presented DOI with an increased volume in non-response litigation. As stated above, four of the five processors are now working exclusively on processing records for FOIAs in litigation, some on a rolling basis every month. As a result, more FOIAs requests are going right into litigation due to non-response. Below is a breakdown of processing production for litigation and non-litigation for FY 2018 (number of pages processed each month followed by an average page count):

| Pages Processed (FY 2018) | Oct-17 | Nov-17 | Dec-17 | Jan-18 | Feb-18 | Mar-18 | Apr-18 | May-18 | Jun-18 | Jul-18 | Aug-18 | Sep-18 | Totals/(average) |
|---------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------------------|
| FOIA Processor            |        |        |        |        |        |        |        |        |        |        |        |        |                  |
| Ryan                      |        |        |        |        |        |        |        |        |        |        |        |        |                  |
| Litigation                | 640    | 1256   | 902    | 2927   | 4119   | 3705   | 2181   |        |        |        |        |        | 13,549/2,258     |

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|                                            |      |      |      |      |      |      |      |  |  |  |  |              |
|--------------------------------------------|------|------|------|------|------|------|------|--|--|--|--|--------------|
| Non-Lit                                    | 319  | 279  | 755  | 559  | 60   | 0    | 0    |  |  |  |  | 1,972/394    |
| Nick                                       |      |      |      |      |      |      |      |  |  |  |  |              |
| Litigation                                 | 2500 | 1855 | 1273 | 7810 | 3724 | 1915 | 2249 |  |  |  |  | 19,077/3,179 |
| Non-Lit                                    | 0    | 0    | 0    | 380  | 0    | 0    | 0    |  |  |  |  | 380/380      |
| Leah (b) (6)                               |      |      |      |      |      |      |      |  |  |  |  |              |
|                                            |      |      |      |      |      |      |      |  |  |  |  |              |
| Litigation                                 | 1617 | 3735 | 2307 | 5807 | 167  | 470  | 488  |  |  |  |  | 14,103/2,350 |
| Non-Lit                                    | 978  | 607  | 876  | 152  | 3134 | 3518 | 3862 |  |  |  |  | 9,265/1,544  |
| Justin                                     |      |      |      |      |      |      |      |  |  |  |  |              |
| Litigation                                 | 0    | 0    | 0    | 2617 | 3246 | 4209 | 2165 |  |  |  |  | 12,237/3,059 |
| Non-Lit                                    | 3829 | 2834 | 4186 | 2563 | 1240 | 287  | 0    |  |  |  |  | 14,939/2,489 |
| Jason                                      |      |      |      |      |      |      |      |  |  |  |  |              |
| Litigation                                 |      |      |      |      |      | 0    | 0    |  |  |  |  | 0/0          |
| Non-Lit                                    |      |      |      |      |      | 1265 | 2526 |  |  |  |  | 1,265/1,265  |
| Clarice<br>(mostly<br>secondary<br>review) |      |      |      |      |      |      |      |  |  |  |  |              |
| Litigation                                 | 400  | 300  | 400  | 400  | 400  | 400  | 300  |  |  |  |  | 2,300/383    |
| Non-Lit                                    | 500  | 400  | 400  | 400  | 400  | 400  | 500  |  |  |  |  | 2,500/416    |

\*\*\*Need current backlog numbers!

Average Total Time for processing/per person: See above. Generally, once records are received, processing documents (and all the actions associated with it) per FOIA (normal, complex, and exceptional) take an average one week.

Recommendations:

(b) (5)



### Day in the Life of the OS FOIA Office

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(b) (5)

DRAFT Deliberative

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(b) (5)

Average Total Time for Intake Action/per person: On average, steps 1 to 4 would ~~the total intake time per FOIA would be~~ take between 30-45 minutes per FOIA request.

(b) (5)

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~~Fiscal~~ Calendar Year 2017 through Present

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(b) (5)

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## DRAFT Deliberative

\*One of the rotating staff collect records from DTS and obtains and reviews calendars from senior DOI officials for FOIA requests assigned to the simple and/or normal FOIA track.

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2.
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  - c. Unchanged.
  - d. Unchanged???
  - e-e. Unchanged???
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~~Free staff review and determine if an incoming request is incoming~~  
requests are now reviewed by the OS FOIA Officer for their potential for an eERDMS search.

### Recommendations:

(b) (5)

### Processing Staff

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DRAFT Deliberative

consultations as provided daily by OS FOIA Officer. Packages are provided based on track, chronology, and complexity.

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7. **Changed** - Requested searches in FY 17 and FY 18 for custodians in the Office of the Secretary range from a single individual to as many as 30 custodians per each FOIA request. Response time for records has gone from several days to several weeks or months to no response at all. In addition, FOIA employees throughout the Department are now permitted to use the email Enterprise Records and Document Management System (eERDMS) for FOIA searches when a bureau knows a current employee is, or former employee was, reasonably likely to have responsive emails and his/her emails cannot be searched for and retrieved outside of eERDMS. OS FOIA processors have recently had limited opportunity to utilize eERDMS for other searches, in a Beta test, and to collect email records from certain custodians. (b) (5)

Office staff review and determine if an incoming request is requests are now reviewed for their potential for an eERDMS search.

With the increased volume of incoming FOIA requests, both administrative and processing staff have not been able to keep up with their respective tasks as well as conduct regular follow-ups with custodians for records. This and other factors has presented DOI with an increased volume in non-response litigation. As stated above, four of the five processors are now working exclusively on processing records for FOIA requests in litigation, some on a rolling basis every month. As a result, more FOIA requests are going right into litigation due to non-response. Below is a breakdown of processing production for litigation and non-litigation for FY 2018 (number of pages processed each month followed by an average page count):

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

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| Pages<br>Processed (FY<br>2018)            | Oct-<br>17 | Nov-<br>17 | Dec-<br>17 | Jan-<br>18 | Feb-<br>18 | Mar-<br>18 | Apr-<br>18 | May-<br>18 | Jun-<br>18 | Jul-<br>18 | Aug-<br>18 | Sep-<br>18 | Totals/(average) |
|--------------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------------|
| FOIA<br>Processor                          |            |            |            |            |            |            |            |            |            |            |            |            |                  |
| Ryan                                       |            |            |            |            |            |            |            |            |            |            |            |            |                  |
| Litigation                                 | 640        | 1256       | 902        | 2927       | 4119       | 3705       | 2181       |            |            |            |            |            | 13,549/2,258     |
| Non-Lit                                    | 319        | 279        | 755        | 559        | 60         | 0          | 0          |            |            |            |            |            | 1,972/394        |
| Nick                                       |            |            |            |            |            |            |            |            |            |            |            |            |                  |
| Litigation                                 | 2500       | 1855       | 1273       | 7810       | 3724       | 1915       | 2249       |            |            |            |            |            | 19,077/3,179     |
| Non-Lit                                    | 0          | 0          | 0          | 380        | 0          | 0          | 0          |            |            |            |            |            | 380/380          |
| Leah (b) (6)                               |            |            |            |            |            |            |            |            |            |            |            |            |                  |
|                                            |            |            |            |            |            |            |            |            |            |            |            |            |                  |
| Litigation                                 | 1617       | 3735       | 2307       | 5807       | 167        | 470        | 488        |            |            |            |            |            | 14,103/2,350     |
| Non-Lit                                    | 978        | 607        | 876        | 152        | 3134       | 3518       | 3862       |            |            |            |            |            | 9,265/1,544      |
| Justin                                     |            |            |            |            |            |            |            |            |            |            |            |            |                  |
| Litigation                                 | 0          | 0          | 0          | 2617       | 3246       | 4209       | 2165       |            |            |            |            |            | 12,237/3,059     |
| Non-Lit                                    | 3829       | 2834       | 4186       | 2563       | 1240       | 287        | 0          |            |            |            |            |            | 14,939/2,489     |
| Jason                                      |            |            |            |            |            |            |            |            |            |            |            |            |                  |
| Litigation                                 |            |            |            |            |            | 0          | 0          |            |            |            |            |            | 0/0              |
| Non-Lit                                    |            |            |            |            |            | 1265       | 2526       |            |            |            |            |            | 1,265/1,265      |
| Clarice<br>(mostly<br>secondary<br>review) |            |            |            |            |            |            |            |            |            |            |            |            |                  |
| Litigation                                 | 400        | 300        | 400        | 400        | 400        | 400        | 300        |            |            |            |            |            | 2,300/383        |
| Non-Lit                                    | 500        | 400        | 400        | 400        | 400        | 400        | 500        |            |            |            |            |            | 2,500/416        |

\*\*\*Need current backlog numbers!

Average Total Time for processing/per person: See above. Generally, once records are received, processing documents (and all the actions associated with it) per FOIA (expedited, simple, normal, complex, and exceptional/voluminous) take an average one week.

Recommendations:

(b) (5)

(b) (5)

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(b) (5)

DRAFT



## Conversation Contents

### Attachments:

/24. /1.1 The OS FOIA Office csc (1).docx  
/24. /2.1 The OS FOIA Office csc (1).docx

**"Howarth, Robert" <[robert\\_howarth@ios.doi.gov](mailto:robert_howarth@ios.doi.gov)>**

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**From:** "Howarth, Robert" <[robert\\_howarth@ios.doi.gov](mailto:robert_howarth@ios.doi.gov)>  
**Sent:** Tue May 08 2018 13:45:27 GMT-0600 (MDT)  
**To:** Cindy Cafaro <[cindy\\_cafaro@ios.doi.gov](mailto:cindy_cafaro@ios.doi.gov)>  
**Subject:**  
**Attachments:** The OS FOIA Office csc (1).docx

--  
Robert Howarth  
Deputy Director for Correspondence and FOIA Management  
Office of the Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-3181  
202-208-4451 (direct)  
202-549-8961 (cell)

**"Cafaro, Cindy" <[cindy\\_cafaro@ios.doi.gov](mailto:cindy_cafaro@ios.doi.gov)>**

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**From:** "Cafaro, Cindy" <[cindy\\_cafaro@ios.doi.gov](mailto:cindy_cafaro@ios.doi.gov)>  
**Sent:** Wed May 09 2018 06:43:18 GMT-0600 (MDT)  
**To:** "Howarth, Robert" <[robert\\_howarth@ios.doi.gov](mailto:robert_howarth@ios.doi.gov)>  
**Subject:** Re:  
**Attachments:** The OS FOIA Office csc (1).docx

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

On Tue, May 8, 2018 at 3:45 PM, Howarth, Robert <[robert\\_howarth@ios.doi.gov](mailto:robert_howarth@ios.doi.gov)> wrote:

--  
Robert Howarth  
Deputy Director for Correspondence and FOIA Management  
Office of the Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-3181  
202-208-4451 (direct)  
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### Day in the Life of the OS FOIA Office

The Department is struggling to process all of its FOIA requests within the statutory timeframe. From Fiscal Year (FY) 2016 to FY 2017, incoming FOIA requests increased from 6,428 to 8,005. For FY 2018, the Department has already received 4,614 FOIA requests to date. For the OS FOIA Office, for example, it has meant an average of 150 requests a month—an almost 50 percent monthly increase from FY 2017 and an almost 300 percent monthly increase from FY 2016. If this rate continues, each of the 5 FOIA processors in the OS FOIA Office will be assigned over 240 FOIA requests in FY 2018, nearly 5 times the FY 2017 Departmental average

The OS FOIA Office (Office) has 7 FTEs (1 OS FOIA Officer, 5 processors, and 1 admin staff) to process all incoming FOIA requests to the Office of the Secretary. Since 2017, the Office has had 1 contractor assisting with intake procedures—though position has now been vacant for two months. In addition, the Office also has had rotating intake assistance from 3 staff members from OES and 1 staff member from the FOIA Policy Office for selective processing assistance.

#### PRE- Fiscal Year 2017

##### Administrative Staff – Intake Tasks

Prior to Fiscal Year (FY) 2017, the average annual incoming number of FOIA's ranged between 525-570. The sole administrative staff member completed all intake tasks within 48 hours of the receipt of incoming FOIAs. The intake tasks completed were as follows:

- 1) Entered all incoming written FOIA requests via email, fax, or mail into the Electronic FOIA Tracking System (EFTS) and created both a physical copy and electronic folder to maintain all records associated with the FOIA;
- 2) With the assistance of the FOIA Officer:
  1. each FOIA request was reviewed to ensure it was *perfected* (i.e., the scope of the request was clear and fee issues resolved, if it was not perfected, the requester was contacted and given 20 days to perfect the request);
  2. decided on what the proper processing track appeared to be and what would entail a reasonable search for records (b) (5)

Typically, the searches conducted by the Office were placed in the *simple or normal* track. Additionally, *normal* tracks may involved records that usually did not require any complex redactions or significant review process, such as calendars or visitor logs. The other tracks for processing, *complex and exceptional/voluminous*, were assigned for FOIA requests that require extensive custodial searches or very complex review and processing (i.e., highly sensitive records, equities, etc.). These FOIA requests could take months or even years to close; and

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(b) (5)

3. prepared and sent acknowledgement letters, which included the EFTS-issued number as well as the processing track.
- 3) Responded to incoming emails and calls from requestors on the status of their FOIA;
- 4) Monitored and tasked incoming FOIA requests via OS FOIA Mailbox;
- 5) Coordinated with processors to follow-up with custodians on requests for their records; and
- 6) Worked with assigned processor to close request when completed.

Also, prior to FY 2017, each of the 5 processors were assigned an "admin day" once every two to assure that they were effectively cross trained on all intake tasks.

Average Total Time for Intake Action/per person:

Processing Staff

The 5 processors were responsible for completing the following tasks:

- 1) Reviewed the incoming records from custodians for both responsiveness and applied appropriate exemptions were applicable. This may have also entailed the following actions:
  - a) conduct research via the internet;
  - b) talk directly to the custodians and subject matter experts about the nature of the records;
  - c) consult with other bureau FOIA officers familiar with the subject matter or the actual records;
  - d) conduct equity reviews, and/or giving notice to private entities who may have a confidential commercial or financial interest in the records;
  - e) consult with other Executive Branch agencies on documents;
  - f) research legal issues;
  - g) consult with OCIO on technology issues for processing;
  - h) possible coordination with multi-bureau FOIAs; and
  - i) coordinate with possible third party submitter notices and review documents;

(b) (5)
- 2) Once the review process was completed, one of the other processors peer-reviewed the package prior to being reviewed by the OS FOIA Officer. Once reviewed, the FOIA Officer would send the package to the Division of General Law, Office of the Solicitor (SOL), for review if exemptions had been applied to the production or the matter was sensitive. (b) (5)
- 3) Depending on the nature and complexity of the package, the processor and the attorney assigned may have discussed certain applied exemptions or exemptions that were not applied.

(b) (5)



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- 4) Once the package was returned from SOL, the processor finalized it to go to the requestor and possible posting on to the OA FOIA Library (b) (5). At this time, it was also possible that the OS FOIA Officer provided OES an approximate 24-hour awareness on selected FOIAs prior to its mailing so that senior Department staff would an opportunity to view the production.
- 5) The processor then assured that all electronic folder and files were complete and worked with the administrative staff to close the record.

(b) (5)

For FY 2015 and FY 2016, the following statistics reflect an OS FOIA staff able to maintain a productive office:

FOIA: \_\_\_\_\_ Average Total Time to Process Intake for Each

Incoming: FY 15 - 571  
FY 16 - 512

Processed: FY 15 - 547  
FY 16 - 540

Backlog: FY 15 - 39  
FY 16 - 33

Litigation: FY 15 - ?  
FY 16 - ?

POST - Fiscal Year 2017

Intake

Due to the extraordinary volume of incoming FOIA requests, the intake process is now (b) (5). (b) (5) is triaged daily under the leadership of the FOIA Officer and involves 1 FTE administrative staff, 3 rotating staff from other OES offices, and the 1 contractor. Today, it is not unheard of that on some Mondays, the Office is greeted with as many as 50 new requests to process from the weekend (b) (5).

The Intake staff perform the following actions:

1. Each FOIA request is entered into the Electronic FOIA Tracking System (EFTS) and data fields are completed;
2. Each FOIA request is reviewed to ensure it is perfected;

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3. A decision is made on what the proper processing track appears to be and what would entail a reasonable search for records;
  4. A physical file is created for each incoming FOIA request as well as an electronic folder in the F-Drive to retain all records associated with the FOIA request—a *cradle to grave system*;
  5. An acknowledgement letter is prepared and sent to the requester, which includes among other things, the EFTS-issued FOIA tracking number and the *processing track*;
  6. A processor is assigned for processing the FOIA request; (b) (5)
  7. A search for records is started either by utilizing previously released records or to send out an email a request(s) for records to custodians. Requested searches in FY 17 and FY 18 for custodians in the Office of the Secretary range from a single individual to as many as 30 custodians per each FOIA request. Response time for records has gone from several days to several weeks or months to no response at all.
  8. In addition to the traditional process of requesting records from custodians, FOIA employees throughout the Department are now permitted to use the email Enterprise Records and Document Management System (eERDMS) for FOIA searches when a bureau knows a current employee is, or former employee was, reasonably likely to have responsive emails and his/her emails cannot be searched for and retrieved outside of eERDMS. OS FOIA processors have recently had limited opportunity to utilize eERDMS for other searches, in a Beta test, and to collect email records from certain custodians (b) (5)
- Office staff review and determine if an incoming request is requests are now reviewed for their potential for an eERDMS search.

As stated above, due to the unprecedented volume, the intake process that was completed in 24-48 hours on a chronological basis (b) (5)

Meanwhile, with the increased volume of incoming FOIA requests, both administrative and administrative and processing staff have not been able to keep up with their respective tasks as well as conduct regular follow-ups with custodians for records. -This and other factors has presented DOI with an increased volume in non-response litigation. [Need numbers for litigation vs. non-litigation for processing] Four of the five processors are now working exclusively on processing records for FOIAs in litigation, some on a rolling basis every month. As a result, more FOIAs requests are going right into litigation due to non-response. Below is a breakdown of processing production for litigation (IN terms of numbers, below are break down on the numbers of pages processed each month followed by an average page count):

| Pages Processed (FY 2018) | Oct-17 | Nov-17 | Dec-17 | Jan-18 | Feb-18 | Mar-18 | Apr-18 | May-18 | Jun-18 | Jul-18 | Aug-18 | Sep-18 | Totals/(average) |
|---------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------------------|
| FOIA Processor            |        |        |        |        |        |        |        |        |        |        |        |        |                  |



**Recommendations:**

As stated above, processing associated with FOIAs in litigation is the priority for the OS FOIA processing team. At this time, the OS FOIA each member of the processing team is handling multiple litigation cases simultaneously (5-8 cases) that involve heightened complexity associated with the following actions:

- Currently, ~~Currently~~ one processor ~~is is currently~~ dedicated to processing non-litigation productions (b) (5)

- Reviews the records for both responsiveness and to apply appropriate exemptions;
- This may entail among other actions: conducting research via the internet; talking directly to the custodians about the nature of the records; consulting with other bureau

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FOIA officers familiar with the subject matter or the actual records, and conducting equity reviews, and/or giving notice to private entities who may have a confidential commercial or financial interest in the records. This stage is where the majority of time is spent by the processor. (b) (5)

1)

Once the review process is complete, the processor prepares the package for the OS FOIA Officer review. If exemptions have been applied to the production or the matter is sensitive, the package is sent to the Division of General Law, Office of the Solicitor (SOL), for review. (b) (5) After review and consultation with SOL, the processor may need to make changes to the package.

2)

3) Once the package is returned from SOL, the processor reviews it for any current Schedule C or PAS employee identified in any responsive emails in the package.

Once he/she determines the names, an email is sent to all current Schedule C and/or PAS employee(s) for a 72 hour awareness to 5 days review. The Deputy Chief of Staff, Director of Communications, and the Deputy Solicitor are cc'd on each OS FOIA packages only package.

The processor responds to calls or emails (admin staff or processor) from custodians who have questions or concerns about a specific FOIA request.

4) This stage in the process has increased sharply due to the nature of the incoming FOIA requests. These calls or emails may then impact the ultimate final scope and/or fees of the FOIA request if custodians raise particular issues.

Depending on staff levels, the Office may attempt to do rolling productions. However, at the present time, it has been difficult to keep track of when records are received, especially when the searches are partially fulfilled. Thus, the Office has typically waited until it is clear that all searches have been completed and records produced.

Once the awareness review is complete, the processor finalizes the package and releases it to the requestor (via email or USPS). If the records respond to 3 or more requests, or the Office is likely to receive 3 or more request asking for the same records, the processor then posts the released records to the OS FOIA library. (b) (5)

#### Average Total Time to Process:

In FY 2018, processing productivity for OS FOIA Processors (pages/processed) is as follows:

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(b) (5)

(b) (5)

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|              |          |          |          |          |            |            |            |                  |               |
|--------------|----------|----------|----------|----------|------------|------------|------------|------------------|---------------|
|              |          |          |          |          |            |            |            |                  |               |
| Ryan         |          |          |          |          |            |            |            |                  |               |
| Litigation   | 640      | 125<br>6 | 902      | 292<br>7 | 411<br>9   | 370<br>5   | 218<br>1   | 13,549<br>12,258 | Total<br>Ave. |
| Non-Lit      | 319      | 279      | 755      | 559      | 60         | 0          | 0          | 1,072<br>7394    | Total<br>Ave. |
| Nick         |          |          |          |          |            |            |            |                  |               |
| Litigation   | 0        | 250<br>5 | 127<br>3 | 781<br>0 | 372<br>4   | 191<br>5   | 224<br>9   | 19,077<br>2,179  | Total<br>Ave. |
| Non-Lit      | 0        | 0        | 0        | 380      | 0          | 0          | 0          | 380/380          |               |
| Leah (b) (6) |          |          |          |          |            |            |            |                  |               |
| Litigation   | 161<br>7 | 373<br>5 | 230<br>7 | 580<br>7 | 167<br>167 | 470<br>470 | 488<br>488 | 14,103<br>2,350  | Total<br>Ave. |

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|                                   |     |     |     |     |     |     |     |              |       |
|-----------------------------------|-----|-----|-----|-----|-----|-----|-----|--------------|-------|
|                                   |     |     |     |     |     |     |     |              | 9,265 |
| Non-Lit                           | 978 | 607 | 876 | 152 | 313 | 351 | 386 | Total/1,544  |       |
|                                   |     |     |     |     | 4   | 8   | 2   | Ave.         |       |
| Justin                            |     |     |     |     |     |     |     |              |       |
| Litigation                        | 0   | 0   | 0   | 261 | 224 | 420 | 216 | 13,327 Total |       |
|                                   |     |     |     | 7   | 6   | 9   | 5   | /3,050 Ave.  |       |
| Non-Lit                           | 382 | 283 | 418 | 256 | 124 |     |     | 14,939 Total |       |
|                                   | 9   | 4   | 6   | 3   | 0   | 287 | 0   | /2,489 Ave.  |       |
| Jason                             |     |     |     |     |     |     |     |              |       |
| Litigation                        |     |     |     |     |     | 0   | 0   | 0/0          |       |
| Non-Lit                           |     |     |     |     |     | 126 | 252 |              |       |
|                                   |     |     |     |     |     | 5   | 6   | 1,265/1,265  |       |
| Clarice (mostly secondary review) |     |     |     |     |     |     |     |              |       |

(b) (5)

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|            |     |     |     |     |     |     |     |             |           |
|------------|-----|-----|-----|-----|-----|-----|-----|-------------|-----------|
|            |     |     |     |     |     |     |     |             |           |
| Litigation | 400 | 300 | 400 | 400 | 400 | 400 | 300 | 2,300 Total | /383 Ave. |
| Non-Lit    | 500 | 400 | 400 | 400 | 400 | 400 | 500 | 2,500 Total | /416 Ave. |

Recommendations:

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### Day in the Life of the OS FOIA Office

The Department is struggling to process all of its FOIA requests within the statutory timeframe. From Fiscal Year (FY) 2016 to FY 2017, incoming FOIA requests increased from 6,428 to 8,005. For FY 2018, the Department has already received over 4,614 FOIA requests ~~to date. For the OS FOIA Office, for example, it has meant an now~~ averages ~~of~~ 150 requests a month—an almost 50 percent monthly increase from FY 2017 and an almost 300 percent monthly increase from FY 2016. If this rate continues, each of the 5 FOIA processors in the OS FOIA Office will be assigned over 240 FOIA requests in FY 2018, nearly 5 times the FY 2017 Departmental average.

The OS FOIA Office (Office) has 7 FTEs (1 OS FOIA Officer, 5 processors, and 1 administrative staff) to process all incoming FOIA requests to the Office of the Secretary. Since 2017, the Office has had 1 contractor assisting with intake procedures—though position has now been vacant for two months. In addition, the Office also has had rotating intake assistance from 3 staff members from OES and 1 staff member from the FOIA Policy Office for selective processing assistance.

(b) (5)

### PRE- Fiscal Year 2017

#### Administrative Staff – Intake Tasks

Prior to ~~Fiscal Year (FY)~~ 2017, the average annual incoming number of FOIA ~~request~~s ranged from between 525 to 570 per fiscal year. The sole administrative staff member completed all intake tasks within 48 hours of the receipt of incoming FOIA requests, with assistance from the FOIA processors who each took a turn spending one day every two weeks solely on assisting with administrative matters (this was known as the “Admin Day”). The intake tasks completed were as follows:

(b) (5)

- 1) Entered all incoming written FOIA requests via email, fax, or mail into the Electronic FOIA Tracking System (EFTS) and created both a physical copy and electronic folder (in the F-Drive to retain all records associated with the FOIA request—a cradle to grave system) to maintain all records associated with the FOIA;
- 2) With the assistance of the OS FOIA Officer:
  1. ~~e~~Each FOIA request was reviewed to ensure it was *perfected* (i.e., the scope of the request was clear and fee issues resolved, if it was not perfected, the requester was contacted and given 20 days to perfect the request);
  2. ~~d~~Decided on what the proper processing track appeared to be and what would entail a reasonable search for records (b) (5)

Typically, the searches conducted by the Office were placed in the *simple or normal track*. Additionally, *normal tracks may involved records that usually did not require any complex redactions or significant review process, such as calendars or visitor logs. The other tracks*

(b) (5)

DRAFT Deliberative

~~for processing, complex and exceptional/voluminous, were assigned for FOIA requests that require extensive custodial searches or very complex review and processing (i.e., highly sensitive records, equities, etc.). These FOIA requests could take months or even years to close track; and~~

3. Prepared and sent acknowledgement letters, which included the EFTS-issued number as well as the processing track.
- 3) Responded to incoming emails and calls from requestors on the status of their FOIA requests;
- 4) Monitored and tasked incoming FOIA requests via OS FOIA Mailbox;
- 5) Coordinated with processors to follow-up with custodians on requests for their records; and
- 6) Worked with assigned processor to close request when completed.

~~Also, prior to FY 2017, each of the 5 processors were assigned an "admin day" once every two to assure that they were effectively cross trained on all intake tasks.~~

Average Total Time for Intake Action/per person: (b) (5)

Processing Staff

The 5 processors were responsible for completing the following tasks:

- 1) Reviewed the incoming records from custodians for ~~both~~ responsiveness and applied appropriate exemptions where applicable. Depending on the needs of the particular FOIA request, this may have could also entailed the following actions:
  - a) ~~e~~Conduct research via the internet;
  - b) ~~T~~alk directly to the custodians and subject matter experts about the nature of the records;
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  - d) ~~C~~onduct equity reviews, and/or giving notice to private entities who may have a confidential commercial or financial interest in the records;
  - e) ~~C~~onsult with other Executive Branch agencies on documents;
  - f) ~~R~~esearch legal issues;
  - g) ~~C~~onsult with OCIO on technology issues for processing;
  - h) ~~Coordinate possible coordination with~~ multi-bureau FOIA requests; and
  - i) ~~e~~Coordinate with ~~possible~~ third-party submitter as needed for Exemption

- 2) Once the review process was completed, one of the other processors peer-reviewed the package prior to being reviewed by the OS FOIA Officer. Once reviewed, the OS FOIA Officer would send the package to the Division of General Law, Office of the Solicitor (SOL), for review if exemptions had been applied to the production or the matter was



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sensitive. (average time to review and average time with SOL for review) (b) (5)

(b) (5)

3) Depending on the nature and complexity of the package, the processor and the attorney assigned may have discussed certain applied exemptions or exemptions that were not applied.

4) Once the package was returned from SOL, it was possible that the OS FOIA Officer provided OES an approximate 24-hour awareness on selected FOIAs prior to its mailing so that senior Department staff would an opportunity to view the production.

5) 4) The processor then finalized the package to go to the requestor and possible posting on to the OA FOIA Library (b) (5) At this time, it was also possible that the OS FOIA Officer provided OES an approximate 24-hour awareness on selected FOIAs prior to its mailing so that senior Department staff would an opportunity to view the production.

6) The processor then assured that all electronic folder and files were complete and worked with the administrative staff to close the record.

7) The processor assisted with litigation, when needed.

(b) (5)

For FY 2015 and FY 2016, the following statistics reflect an OS FOIA staff able to maintain a productive office:

Average Total Time to Process Intake for Each FOIA:

Incoming: FY 15 - 571  
FY 16 - 512

Processed: FY 15 - 547  
FY 16 - 540

Backlog: FY 15 - 39  
FY 16 - 33

Litigation: FY 15 - 12  
FY 16 - 02

(b) (5)

POST - Fiscal Year 2017 through Present

### Intake

Due to the extraordinary volume of incoming FOIA requests, the intake process is now (b) (5) [REDACTED] is triaged daily under the leadership of the FOIA Officer and involves 1 FTE administrative staff, 3 rotating staff from other OES offices, and the 1 contractor, when the position is filled. Today, it is not unheard of that on some Mondays, the Office is greeted with as many as 50 new requests to process from the weekend (b) (5) [REDACTED]

The Intake staff perform the following actions (in the same order as discussed above, with changes noted):

1. ~~Each FOIA request is entered into the Electronic FOIA Tracking System (EFTS) and data fields are completed.~~ Unchanged.
2. Unchanged Each FOIA request is reviewed to ensure it is perfected;
  - a. Unchanged.
  - b. Unchanged.
  - a-c. Unchanged.
2. ~~A decision is made on what the proper processing track appears to be and what would entail a reasonable search for records;~~
3. ~~A physical file is created for each incoming FOIA request as well as an electronic folder in the F Drive to retain all records associated with the FOIA request a cradle to grave system;~~
4. ~~An acknowledgement letter is prepared and sent to the requester, which includes among other things, the EFTS issued FOIA tracking number and the processing track;~~
3. ???
4. ???
5. ???
6. ???

As stated above, due to the unprecedented volume, the intake process that was completed in 24-48 hours on a chronological basis is now taking a week or more. (b) (5) [REDACTED]

### Average Total Time for Intake Action/per person:

#### Processing Staff

The 5 FOIA processors are responsible for completing the following tasks:

1. Unchanged??? A processor is assigned for processing the FOIA request; (b) (5) [REDACTED]
2. Unchanged???
3. Unchanged???
- 1) 4. Changed. (b) (5) [REDACTED]

Once the package is returned from SOL, the processor reviews



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it for any current Schedule C or PAS employee identified in any responsive emails in the package.

Once he/she determines the names, an email is sent to all current Schedule C and/or PAS employee(s) for a 72 hour awareness to 5 days review. The Deputy Chief of Staff, Director of Communications, and the Deputy Solicitor are cc'd on each OS FOIA packages only.

5. Unchanged???

6. Unchanged???

7. Greatly changed in frequency.

~~A search for records is started either by utilizing previously released records or to send out an email a request(s) for records to custodians.~~ Requested searches in FY 17 and FY 18 for custodians in the Office of the Secretary range from a single individual to as many as 30 custodians per each FOIA request. Response time for records has gone from several days to several weeks or months to no response at all.

In addition to the traditional process of requesting records from custodians, FOIA employees throughout the Department are now permitted to use the email Enterprise Records and Document Management System (eERDMS) for FOIA searches when a bureau knows a current employee is, or former employee was, reasonably likely to have responsive emails and his/her emails cannot be searched for and retrieved outside of eERDMS. OS FOIA processors have recently had limited opportunity to utilize eERDMS for other searches, in a Beta test, and to collect email records from certain custodians. (b) (5)

Office staff review and determine if an incoming request is requests are now reviewed for their potential for an eERDMS search.

~~As stated above, due to the unprecedented volume, the intake process that was completed in 24-48 hours on a chronological basis is now taking a week or more.~~ (b) (5)

Meanwhile, ~~W~~with the increased volume of incoming FOIA requests, both administrative and processing staff have not been able to keep up with their respective tasks as well as conduct regular follow-ups with custodians for records. This and other factors has presented DOI with ~~an~~ increased volume in non-response litigation. (b) (5)

Four of the five processors are now working exclusively on processing records for FOIAs in litigation, some on a rolling basis every month. As a result, more FOIAs requests are going right into litigation due to non-response. Below is a breakdown of processing production for litigation (number of pages processed each month followed by an average page count):

| Pages Processed (FY 2018) | Oct-17 | Nov-17 | Dec-17 | Jan-18 | Feb-18 | Mar-18 | Apr-18 | May-18 | Jun-18 | Jul-18 | Aug-18 | Sep-18 | Totals/(average) |
|---------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------------------|
|                           |        |        |        |        |        |        |        |        |        |        |        |        |                  |



[illegible]

**Average Total Time for Intake Action/per person:** \_\_\_\_\_

(b) (5)

As stated above, processing associated with FOIAs in litigation is the priority for the OS FOIA processing team. At this time, ~~the OS FOIA~~ each member of the processing team is handling multiple litigation cases simultaneously (5-8 cases) ~~that involve heightened complexity associated with the following actions:~~

- Formatted:** Normal, No bullets or numbering

Generally, once the Office has received records from one or more of the custodies – either all at once or in a rolling production, the processor performs the following:

- ~~1) Reviews the records for both responsiveness and to apply appropriate exemptions; This may entail among other actions: conducting research via the internet; talking directly to the custodians about the nature of the records; consulting with other bureau FOIA officers; familiar~~

(b) (5)

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**Formatted:** Normal, No bullets or numbering, Pattern: Clear (White)

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with the subject matter or the actual records; and conducting equity reviews and/or giving notice to private entities who may have a confidential commercial or financial interest in the records. This stage is where the majority of time is spent by the processor. (b) (5)

2) Once the review process is complete, the processor prepares the package for the OS FOIA Officer review. If exemptions have been applied to the production or the matter is sensitive, the package is sent to the Division of General Law, Office of the Solicitor (SOL), for review. (b) (5) After review and consultation with SOL, the processor may need to make changes to the package.

3)1) Once the package is returned from SOL, the processor reviews it for any current Schedule C or PAS employees identified in any responsive emails in the package. Once he/she determines the names, an email is sent to all current Schedule C and/or PAS employee(s) for a 72-hour awareness to 5-day review. The Deputy Chief of Staff, Director of Communications, and the Deputy Solicitor are cc'd on each OS FOIA package only.

4)2) The processor responds to calls or emails (admin staff or processor) from custodians who have questions or concerns about a specific FOIA request. This stage in the process has increased sharply due to the nature of the incoming FOIA requests. These calls or emails may then impact the ultimate final scope and/or fees of the FOIA request if custodians raise particular issues.

Depending on staff levels, the Office may attempt to do rolling productions. However, at the present time, it has been difficult to keep track of when records are received, especially when the searches are partially fulfilled. Thus, the Office has typically waited until it is clear that all searches have been completed and records produced.

Once the awareness review is complete, the processor finalizes the package and releases it to the requestor (via email or USPS). If the records respond to 3 or more requests, or the Office is likely to receive 3 or more request asking for the same records, the processor then posts the released records to the OS FOIA library. (b) (5)

Average Total Time to Process: \_\_\_\_\_

Recommendations:

(b) (5)

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(b) (5)

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## Conversation Contents

Please review and edit

**Attachments:**

/27. Please review and edit/1.1 The OS FOIA Office.docx  
/27. Please review and edit/2.1 The OS FOIA Office csc.docx

**"Howarth, Robert" <robert\_howarth@ios.doi.gov>**

---

**From:** "Howarth, Robert" <robert\_howarth@ios.doi.gov>  
**Sent:** Sun May 06 2018 19:43:23 GMT-0600 (MDT)  
**To:** Clarice Julka <clarice\_julka@ios.doi.gov>, Cindy Cafaro <cindy\_cafaro@ios.doi.gov>  
**CC:** Juliette Lillie <juliette\_lillie@ios.doi.gov>  
**Subject:** Please review and edit  
**Attachments:** The OS FOIA Office.docx

Hello all. Sorry for the delay...was not feeling well today.

Please review and insert requested information and edit.

Thanks, Rob

--

Robert Howarth  
Deputy Director for Correspondence and FOIA Management  
Office of the Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240  
202-208-3181  
202-208-4451 (direct)  
202-549-8961 (cell)

**"Cafaro, Cindy" <cindy\_cafaro@ios.doi.gov>**

---

**From:** "Cafaro, Cindy" <cindy\_cafaro@ios.doi.gov>  
**Sent:** Mon May 07 2018 06:13:52 GMT-0600 (MDT)  
**To:** "Howarth, Robert" <robert\_howarth@ios.doi.gov>  
**CC:** Clarice Julka <clarice\_julka@ios.doi.gov>, Juliette Lillie <juliette\_lillie@ios.doi.gov>  
**Subject:** Re: Please review and edit  
**Attachments:** The OS FOIA Office csc.docx

Thank you, Rob. I hope you're feeling better.  
I've reviewed your draft and attached an edited draft.

Cindy Cafaro | Departmental Freedom of Information Act Officer | US Department of the Interior

Direct: 202-208-5342 | Main: 202-208-3181

On Sun, May 6, 2018 at 9:43 PM, Howarth, Robert <[robert\\_howarth@ios.doi.gov](mailto:robert_howarth@ios.doi.gov)> wrote:

Hello all. Sorry for the delay...was not feeling well today.

Please review and insert requested information and edit.

Thanks, Rob

--

Robert Howarth  
Deputy Director for Correspondence and FOIA Management  
Office of the Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

202-208-3181  
202-208-4451 (direct)  
202-549-8961 (cell)



### *Day in the Life of the OS FOIA Office*

The OS FOIA Office (Office) has 7 FTEs (OS FOIA Officer, 5 processors, and 1 admin staff) to process all incoming FOIA's to the Office of the Secretary. For the past year, the office has also had 1 contractor assisting with intake procedures—though position vacant for two months.

(b) (5)

#### Intake

All incoming FOIA requests are received via email, fax, or mail and are processed as follows:

- 1) Each FOIA is **uploaded** into the Electronic FOIA Tracking System (EFTS) and data fields are completed;
- 2) Each FOIA is *perfected* (i.e., the scope of the request is clear and fee issues resolved – (b) (5)
- 3) A **determination** is made on what would entail a reasonable search for records (b) (5)
- 4) A physical file is **created** for each incoming FOIA as well as an electronic folder in the F-Drive to retain ALL records associated with the FOIA request—*a cradle to grave system*;
- 5) If the FOIA cannot be immediately *perfected*, the Office will **contact** the requester to clarify the request. This can sometimes take days. (b) (5)
- 6) Once the Office has determined the issues above, it **completes** the following tasks (b) (5)

- 1) **prepares** and sends an acknowledgement letter to the requester, which includes among other things, the EFTS-issued FOIA tracking number and the *processing track*; (b) (5)

Typically, the searches conducted by the Office are placed in the *simple or normal* track. Additionally, *normal* tracks may involve records that usually do not require any complex redactions or significant review process, such as calendars or visitor logs. The other tracks for processing, *complex and exceptional/voluminous*, are assigned for FOIAs that require extensive custodial searches or very complex review and processing (i.e., highly sensitive records, equities, etc). These FOIAs could take months or even years to close. In addition to the traditional process of requesting records from custodians, the Office has recently had limited opportunity to utilize the email Enterprise Records and Document Management System (eERDMS) to collect email records from certain custodians. Each FOIA is now reviewed for its potential for an eERDMS search. (b) (5)

2) **determines** if it will conduct a search for records (i.e, via the Document Tracking System (DTS) or previously released records), or send out via email a request(s) for records.

Requested searches for custodians in the Office of the Secretary range from a single individual to as many as 30 custodians per each FOIA request. Response time for records has gone from several days to several weeks or months to no response at all.

3) **assigns** a processor for processing the FOIA; and (b) (5)  
4) **responds** to calls or emails (b) (5) from custodians who have questions or concerns about a specific FOIA request.

This stage in the process has increased sharply due to the nature of the incoming FOIAs. These calls or emails may then impact the ultimate final scope and/or fees of the FOIA if custodians raise particular issues. On some Mondays, the Office is greeted with as many as 50 new requests to process from the weekend. This intake processing is largely done by 1 FTE and 1 contractor, if available, and overseen by the OS FOIA Officer.

Due to the unprecedented volume, the intake process that was completed in 24-48 hours on a chronological basis is now taking a week or more. (b) (5)  
With the increased volume of incoming FOIAs, admin and processing staff have not been able to conduct regular follow-ups with custodians for records, which has contributed to the increased volume in non-response litigation. (b) (5)

**Average Total Time for Intake Action/per person:**

**Processing**

Once the Office has received records from one or more of the custodies – either all at once or in a rolling production, the processor performs the following:

- 1) **review** the records for both responsiveness and apply appropriate exemptions;
  - This may entail conducting research via the internet, talking directly to the custodians about the nature of the records, consult with other bureau FOIA officers familiar with the subject matter or the actual records, conduct equity reviews, or private entities who have knowledge of the records. This stage is where the majority of time is spent by the processor. (b) (5)
  - Once the review process is complete, the processor **prepares** the package for the OS FOIA Officer review. If exemptions have been applied to the production or the matter is sensitive, the package is sent to the Division of General Law, Office of the Solicitor, for review. (b) (5) After review and consultation with the Office of the Solicitor, the processor may need to make changes to the package.

- Once the package is returned from the solicitor's office, the processor **reviews** it for any DOI political staff named on any pages in the package. Once he/she determines the names, an email is sent to all named senior staff for a 72 hour awareness review and **5-day** review requiring for the DSCOS and Deputy Solicitor for an affirmative response. The Deputy Chief of Staff, Director of Communications, and the Deputy Solicitor are cc'd on each package. The processor then pings those who have not responded. The package will not be sent until all individuals sent the email; respond in the affirmative. (b) (5)

Depending on staff levels, the Office may attempt to do rolling productions. However, at the present time, it has been difficult to keep track of when records are received, especially when the searches are partially fulfilled. Thus, the Office has typically waited until it is clear that all searches have been completed and records produced.

Once the awareness review is complete, the processor finalizes the package and releases it to the requestor (via email or traditional USPS). If the records respond to 3 or more requests, or the Office is likely to receive 3 or more request asking for the same records, the processor then posts the released records to the OS FOIA library. (b) (5)

#### Average Total Time to Process:

In FY 2018, processing productivity for OS FOIA Processors (pages/processed) is as follows:

|              |     |     |     |     |     |     |     |  |                               |
|--------------|-----|-----|-----|-----|-----|-----|-----|--|-------------------------------|
| Ryan         |     |     |     |     |     |     |     |  |                               |
|              |     | 125 |     | 292 | 411 | 370 | 218 |  |                               |
| Litigation   | 640 | 6   | 902 | 7   | 9   | 5   | 1   |  | 13,549 Total<br>/2,258 Ave.   |
| Non-Lit      | 319 | 279 | 755 | 559 | 60  | 0   | 0   |  | 1,972 Total<br>/394 Ave.      |
| Nick         |     |     |     |     |     |     |     |  |                               |
|              | 250 | 185 | 127 | 781 | 372 | 191 | 224 |  | 19,077<br>Total/3,179<br>Ave. |
| Litigation   | 0   | 5   | 3   | 0   | 4   | 5   | 9   |  |                               |
| Non-Lit      | 0   | 0   | 0   | 380 | 0   | 0   | 0   |  | 380/380                       |
| Leah (b) (6) |     |     |     |     |     |     |     |  |                               |
|              | 161 | 373 | 230 | 580 |     |     |     |  | 14,103<br>Total/2,350<br>Ave. |
| Litigation   | 7   | 5   | 7   | 7   | 167 | 470 | 488 |  |                               |
|              |     |     |     |     | 313 | 351 | 386 |  | 9,265<br>Total/1,544<br>Ave.  |
| Non-Lit      | 978 | 607 | 876 | 152 | 4   | 8   | 2   |  |                               |
| Justin       |     |     |     |     |     |     |     |  |                               |
|              |     |     |     | 261 | 324 | 420 | 216 |  | 12,237 Total<br>/3,059 Ave.   |
| Litigation   | 0   | 0   | 0   | 7   | 6   | 9   | 5   |  |                               |

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|                                   |            |          |          |          |          |          |          |          |                             |
|-----------------------------------|------------|----------|----------|----------|----------|----------|----------|----------|-----------------------------|
|                                   | Non-Lit    | 382<br>9 | 283<br>4 | 418<br>6 | 256<br>3 | 124<br>0 | 287      | 0        | 14,939 Total<br>/2,489 Ave. |
| Jason                             |            |          |          |          |          |          |          |          |                             |
|                                   | Litigation |          |          |          |          |          | 0        | 0        | 0/0                         |
|                                   | Non-Lit    |          |          |          |          |          | 126<br>5 | 252<br>6 | 1,265/1,265                 |
| Clarice (mostly secondary review) |            |          |          |          |          |          |          |          |                             |
|                                   | Litigation | 400      | 300      | 400      | 400      | 400      | 400      | 300      | 2,300 Total<br>/383 Ave.    |
|                                   | Non-Lit    | 500      | 400      | 400      | 400      | 400      | 400      | 500      | 2,500 Total<br>/416 Ave.    |

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### Day in the Life of the OS FOIA Office

The OS FOIA Office (Office) has 7 FTEs (1 OS FOIA Officer, 5 processors, and 1 admin staff) to process all incoming FOIA requests to the Office of the Secretary. For the past year, the office has also had 1 contractor assisting with intake procedures—though position has now been vacant for two months (b) (5)

#### Intake

All incoming FOIA requests are received in writing via email, fax, or mail and are processed as follows:

- 1) Each FOIA request is entered ~~uploaded~~ into the Electronic FOIA Tracking System (EFTS) and data fields are completed;
- 2) Each FOIA request is reviewed to ensure it is perfected (i.e., the scope of the request is clear and fee issues resolved, if it is not perfected, the requester must be contacted and given 20 days to perfect the request— (b) (5)
- 3) A ~~determination~~ decision is made on what the proper processing track appears to be and what would entail a reasonable search for records (b) (5)
- 4) A physical file is created for each incoming FOIA request as well as an electronic folder in the F-Drive to retain ALL records associated with the FOIA request—a cradle to grave system;
- 5) ~~If the FOIA cannot be immediately perfected, the Office will contact the requester to clarify the request. This can sometimes take days.~~ (b) (5)
- 6) ~~Once the Office has determined these initial issues above are resolved, its~~ processor completes the following tasks (b) (5)

- 1) prepares and sends an acknowledgement letter to the requester, which — includes among other things, the EFTS-issued FOIA tracking number and the processing track; (b) (5)

Typically, the searches conducted by the Office are placed in the simple or normal track. Additionally, normal tracks may involve records that usually do not require any complex redactions or significant review process, such as calendars or visitor logs. The other tracks for processing, complex and exceptional/voluminous, are assigned for FOIA requests that require extensive custodial searches or very complex review and processing (i.e., highly sensitive records, equities, etc.). These FOIA requests could take months or even years to close. In addition to the traditional process of



requesting records from custodians. FOIA employees throughout the Department may use the email Enterprise Records and Document Management System (eERDMS) for FOIA searches when a bureau knows a current employee is, or former employee was, reasonably likely to have responsive emails and his/her emails cannot be searched for and retrieved outside of eERDMS. ~~Additionally, the OS Office FOIA processors have~~ recently had limited opportunity to utilize ~~the email Enterprise Records and Document Management System (eERDMS for other searches, in a Beta test, and )~~ to collect email records from certain custodians. (b) (5)

- 2) ~~determines/decides~~ if ~~he/she~~ will conduct a search for records (~~i.e.~~, via ~~the eERDMS Document Tracking System (DTS)~~ or previously released records), or send out via email a request(s) for records to custodians.

Requested searches for custodians in the Office of the Secretary range from a single individual to as many as 30 custodians per each FOIA request. Response time for records has gone from several days to several weeks or months to no response at all

- 3) assigns a processor for processing the FOIA request; and (b) (5)

- 4) responds to calls or emails (admin staff or processor) from custodians who have questions or concerns about a specific FOIA request.

This stage in the process has increased sharply due to the nature of the incoming FOIA requests. These calls or emails may then impact the ultimate final scope and/or fees of the FOIA request if custodians raise particular issues. On some Mondays, the Office is greeted with as many as 50 new requests to process from the weekend. This intake processing is largely done by 1 FTE and 1 contractor, if available, and overseen by the OS FOIA Officer.

Due to the unprecedented volume, the intake process that was completed in 24-48 hours on a chronological basis is now taking a week or more. (b) (5)

With the increased volume of incoming FOIA requests, admin and processing staff have not been able to conduct regular follow-ups with custodians for records, which has contributed to the increased volume in non-response litigation. [Need numbers for litigation vs. non-litigation for processing]

Average Total Time for Intake Action/per person: \_\_\_\_\_

## Processing

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Once the Office has received records from one or more of the custodies – either all at once or in a rolling production, the processor performs the following:

- 1) review the records for both responsiveness and to apply appropriate exemptions;
  - This may entail conducting research via the internet, talking directly to the custodians about the nature of the records, consulting with other bureau FOIA officers familiar with the subject matter or the actual records, conducting equity reviews, and/or giving notice to private entities who may have a confidential commercial or financial interest in have knowledge of the records. This stage is where the majority of time is spent by the processor. (b) (5)
  - Once the review process is complete, the processor prepares the package for the OS FOIA Officer review. If exemptions have been applied to the production or the matter is sensitive, the package is sent to the Division of General Law, Office of the Solicitor (SOL), for review. (b) (5) After review and consultation with the Office of the Solicitor SOL, the processor may need to make changes to the package.
  - Once the package is returned from the solicitor's office SOL, the processor reviews it for any current Schedule C or PAS DOI political staff employee identified named in any responsive email on any pages in the package. Once he/she determines the names, an email is sent to all current Schedule C or PAS employee(s) named senior staff for a 72 hour awareness review and 5 day review requiring for the DSCOS and Deputy Solicitor for an affirmative response. The Deputy Chief of Staff, Director of Communications, and the Deputy Solicitor are cc'd on each package. The processor then pings those who have not responded. The package will not be sent until all individuals sent the email, respond in the affirmative. (b) (5)

Depending on staff levels, the Office may attempt to do rolling productions. However, at the present time, it has been difficult to keep track of when records are received, especially when the searches are partially fulfilled. Thus, the Office has typically waited until it is clear that all searches have been completed and records produced.

Once the awareness review is complete, the processor finalizes the package and releases it to the requestor (via email or traditional USPS). If the records respond to 3 or more requests, or the Office is likely to receive 3 or more request asking for the same records, the processor then posts the released records to the OS FOIA library. (b) (5)

Average Total Time to Process:

In FY 2018, processing productivity for OS FOIA Processors (pages/processed) is as follows:

|      |  |  |  |  |  |  |  |  |  |  |
|------|--|--|--|--|--|--|--|--|--|--|
| Ryan |  |  |  |  |  |  |  |  |  |  |
|------|--|--|--|--|--|--|--|--|--|--|



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|                                   |     |     |     |     |     |     |     |              |
|-----------------------------------|-----|-----|-----|-----|-----|-----|-----|--------------|
|                                   |     | 125 |     | 292 | 411 | 370 | 218 | 13,549 Total |
| Litigation                        | 640 | 6   | 902 | 7   | 9   | 5   | 1   | /2,258 Ave.  |
| Non-Lit                           | 319 | 279 | 755 | 559 | 60  | 0   | 0   | 1,972 Total  |
| Nick                              |     |     |     |     |     |     |     | /394 Ave.    |
|                                   |     |     |     |     |     |     |     | 19,077       |
| Litigation                        | 250 | 185 | 127 | 781 | 372 | 191 | 224 | Total/3,179  |
|                                   | 0   | 5   | 3   | 0   | 4   | 5   | 9   | Ave.         |
| Non-Lit                           | 0   | 0   | 0   | 380 | 0   | 0   | 0   | 380/380      |
| Leah (b) (6)                      |     |     |     |     |     |     |     |              |
|                                   |     |     |     |     |     |     |     | 14,103       |
| Litigation                        | 161 | 373 | 230 | 580 |     |     |     | Total/2,350  |
|                                   | 7   | 5   | 7   | 7   | 167 | 470 | 488 | Ave.         |
|                                   |     |     |     |     | 313 | 351 | 386 | 9,265        |
| Non-Lit                           | 978 | 607 | 876 | 152 | 4   | 8   | 2   | Total/1,544  |
| Justin                            |     |     |     |     |     |     |     | Ave.         |
|                                   |     |     |     | 261 | 324 | 420 | 216 | 12,237 Total |
| Litigation                        | 0   | 0   | 0   | 7   | 6   | 9   | 5   | /3,059 Ave.  |
|                                   | 382 | 283 | 418 | 256 | 124 |     |     | 14,939 Total |
| Non-Lit                           | 9   | 4   | 6   | 3   | 0   | 287 | 0   | /2,489 Ave.  |
| Jason                             |     |     |     |     |     |     |     |              |
| Litigation                        |     |     |     |     |     | 0   | 0   | 0/0          |
|                                   |     |     |     |     |     | 126 | 252 |              |
| Non-Lit                           |     |     |     |     |     | 5   | 6   | 1,265/1,265  |
| Clarice (mostly secondary review) |     |     |     |     |     |     |     |              |
|                                   |     |     |     |     |     |     |     | 2,300 Total  |
| Litigation                        | 400 | 300 | 400 | 400 | 400 | 400 | 300 | /383 Ave.    |
|                                   |     |     |     |     |     |     |     | 2,500 Total  |
| Non-Lit                           | 500 | 400 | 400 | 400 | 400 | 400 | 500 | /416 Ave.    |

(b) (5)

# Conversation Contents

made some modifications below-

"Julka, Clarice" <clarice\_julka@ios.doi.gov>

---

**From:** "Julka, Clarice" <clarice\_julka@ios.doi.gov>  
**Sent:** Fri May 04 2018 07:20:28 GMT-0600 (MDT)  
**To:** Cindy Cafaro <cindy\_cafaro@ios.doi.gov>, Robert Howarth <robert\_howarth@ios.doi.gov>  
**Subject:** made some modifications below-

## GENERAL PROCESSING

FOIA processing involves several steps. First, we must log in the requests, evaluate if they are perfected (i.e., fee issues resolved and the scope of the request is clear) and determine what would entail a reasonable search for records.

Once we have determined those issues, we send out the request for search or conduct the search ourselves. Typically, the ones for which we conduct searches ourselves are placed in the simple or normal track. These typically involve DTS searches or previously released records. Additionally, normal tracks may involve records that usually don't require any complex redactions or significant review process, such as calendars or visitor logs.

After we receive the records, we begin the review process. Depending on staff levels, we may attempt to do rolling productions. However, at the present time, there is no way to keep track of when records are received, especially when the searches are partially fulfilled. Thus, we typically wait until it's clear that all searches have been completed and records produced.

At that time, the requests are assigned to processors. Processors review records for responsiveness and for any necessary redactions or equity reviews. After that review, the FOIA Officer will review the records since our regulations require that we identify one decision maker on the records.

If redactions are proposed or if our office believes the matter to be sensitive, we transmit it to SOL for legal review. When it is returned from SOL, we make any necessary modifications and release the records to the requester. Post to OS FOIA Library as needed.

## PRE-2017

Prior to 2017, OS FOIA received an average of 500 requests per year. At that time, our process follows:

FOIA Requests comes in via email, fax, or mail:

Administrative staff logs in request into EFTS, create electronic folder and physical folder. With FOIA officer, determination is made to determine whether requests are perfected and sufficiently clarified.

Searches are sent out via email to appropriate custodians.

Acknowledgement letters were sent to requester.

Follow-up with custodians was done on periodic basis, usually weekly.

At the same time, simple requests were handled by administrative staff with FOIA officer.

When records are complete or if doing rolling productions, FOIA officer assigns requests to processor. Processors normally were assigned no more than 5-10 requests. Each processor reviewed the records in order based on chronological order in processing tracks.

Once reviewed, processors would conduct any necessary equity reviews. Once review is complete, typically the processors would have another processor review as a "peer review" in order to assure quality and to encourage cross-training of subject matters. After the peer review the FOIA Officer would review the records and if she agreed would transmit to SOL, if needed.

Once records were returned from SOL, processors would finalize the package and prepare for release. For limited number of requests on selected tracks, FOIA officer would conduct 24 hour awareness review.

Package is released to requester. On a weekly basis, releases would be posted to OS FOIA Library if appropriate.

## POST-JUNE 2017

Since approximately June 2017, the number of FOIA requests have nearly quadrupled. As such, we have primarily engaged in crisis management. We attempt to fill holes constantly because we must handle more tasks but fewer people. For example, in August, we were advised to no longer send out search requests unless we received approval from a superior. This significantly slowed us down and required us to handle each request multiple time before it was sent for search. It also required that we maintain several spreadsheets in order to monitor which requests had been acknowledged or forwarded to records custodian. This process lasted nearly six months until one of our administrative staff quit. As yet, we have not had a replacement for her, but have the assistance of a few staff who are here temporarily. There is a new interest in analytics which has required even more focus on administrative tasks.

Right now, our process is as follows:

One person logs in the request, prepares an electronic and paper folder. That person, along with FOIA officer, determine where to send search, and whether the request has been perfected. Once perfected, the search commences and the acknowledgement letter is sent.

Another administrative person is working on catching up with the acknowledgments and searches that have not been completed since our full-time administrative staff member quit in March. Since we are short-staffed and constantly trying to catch up, we rarely do follow-ups unless either the requester contacts us, if the matter is in litigation, or if we are advised a matter has been appealed. (However, we are almost never advised about impending appeals).

Once the records are in, the requests are assigned for review to a FOIA processor. That processor will manage his or her workload by handling the simple, normal, or expedited requests first and then working on the complex ones.

Once all equities are resolved, the FOIA officer briefly reviews the records and they are transmitted to SOL. We never know how long it will take in SOL. Sometimes, it is weeks. Often, it takes several months before we hear anything.

Once returned from SOL, we finalize the package and then send for awareness reviews which often take several days before we hear from the list of political employees with whom we are required to share the documents. Since the written policy we received only involved litigation and that has been changed multiple time in the last few weeks, we spend time trying to figure out to whom the records must be sent. Once that determination is made, we must follow-up

OS-2018-00959-00894

with awareness reviewers until all have affirmatively agreed to

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## Conversation Contents

extremely rough draft-i'm sure this will be changed but this is reality.

"Julka, Clarice" <clarice\_julka@ios.doi.gov>

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**From:** "Julka, Clarice" <clarice\_julka@ios.doi.gov>  
**Sent:** Fri May 04 2018 04:56:48 GMT-0600 (MDT)  
**To:** Cindy Cafaro <cindy\_cafaro@ios.doi.gov>, Robert Howarth <robert\_howarth@ios.doi.gov>  
**Subject:** extremely rough draft-i'm sure this will be changed but this is reality.

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FOIA Requests comes in via email, fax, or mail:

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Package is released to requester. On a weekly basis, releases would be posted to OS FOIA Library if appropriate.

Since January 2017, the number of FOIA requests has nearly quadrupled. As such, we have primarily engaged in crisis management while requesting more support staff to assist us in processing and handling this large increase in workload. We have repeatedly been assigned new staff who we were required to train. Shortly after they started, nearly all of the assistance was removed. Therefore, at the present time, our main process is crisis management. We attempt to fill holes constantly because we are constantly being barraged with more tasks but fewer people. For example, in August, we were advised to no longer send out search requests unless we received approval from a superior. This significantly slowed us down and required us to handle each request multiple time before it was sent for search. It also required that we maintain several spreadsheets in order to monitor which requests had been acknowledged or forwarded to records custodian. This process lasted nearly six months until one of our administrative staff quit. As yet, we have not had a replacement for her, but have the assistance of a few staff who are here temporarily. Additionally, we are often called for numerous meetings which reduce the time we have for review of records. Further, policy changes constantly without any written guidance. Thus, we spend more time trying to figure out if we are handling the records in accordance with the latest verbal guidance.

Right now, our process follows:

One person logs in the request, prepares an electronic and paper folder. That person, along with FOIA officer, determine where to send search, and whether the request has been perfected. Once perfected, the search commences and the acknowledgement letter is sent.

Another administrative person is working on catching up with the acknowledgments and searches that have not been completed since our full-time administrative staff member quit in March.

Since we are short-staffed and constantly trying to catch up, we rarely do follow-ups unless either the requester contacts us or if the matter is in litigation. We would also do this if we knew about impending appeals but we are almost never told of appeals until months or years after they are filed.

Once the records are in, the requests are assigned for review to a FOIA processor. That processor will manage his or her workload by handling the simple, normal, or expedited requests first and then working on the complex ones.

Once all equities are resolved, the FOIA officer briefly reviews the records and they are transmitted to SOL. We never know how long it will take in SOL. Sometimes, it is weeks. Often, it takes several months before we hear anything.

Once returned from SOL, we finalize the package and then send for awareness reviews which often take several days before we hear from the list of political employees with whom we are required to share the documents. Since the written policy we received only involved litigation and that has been changed multiple time in the last few weeks, we are forced to spend time trying to figure out to whom the records must be sent.

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## Conversation Contents

Fwd: Note and question regarding Dep. Sec. approval

"Julka, Clarice" <clarice\_julka@ios.doi.gov>

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**From:** "Julka, Clarice" <clarice\_julka@ios.doi.gov>  
**Sent:** Mon Apr 23 2018 13:10:08 GMT-0600 (MDT)  
**To:** "Lillie, Juliette" <juliette\_lillie@ios.doi.gov>, Robert Howarth <robert\_howarth@ios.doi.gov>, Cindy Cafaro <cindy\_cafaro@ios.doi.gov>  
**Subject:** Fwd: Note and question regarding Dep. Sec. approval

Please see Leah's email. Will this comply with the awareness protocol?

Clarice Julka  
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----- Forwarded message -----

**From:** Fairman, Leah <[leah\\_fairman@ios.doi.gov](mailto:leah_fairman@ios.doi.gov)>  
**Date:** Mon, Apr 23, 2018 at 3:05 PM  
**Subject:** Note and question regarding Dep. Sec. approval  
**To:** Clarice Julka <[clarice\\_julka@ios.doi.gov](mailto:clarice_julka@ios.doi.gov)>

Clarice,

I just got off the phone with Rachel and wanted to pass on some information and get clarification. She met with Bernhardt this morning to discuss an upcoming release for litigation that is supposed to go out this Friday, April 27. She indicated that Bernhardt said it could go out then, but she also indicated that he will not be putting this affirmation into writing and that if he said it could go out, we do not need to hear from anyone else. I explained that per my most recent understanding, we need all approvals in writing from both the comms office and himself. Rachel told me that was not going to happen this time.

Hoping to find out what the actual process is/who will be giving me approval in writing so the documents can go out on time.

V/r,  
Leah

--  
Leah Fairman  
Department of the Interior  
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[1849 C Street, NW, MS-7328](mailto:Leah_Fairman@ios.doi.gov)  
Washington, D C 20240  
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Juliette Lillie <juliette\_lillie@ios.doi.gov>

---

**From:** Juliette Lillie <juliette\_lillie@ios.doi.gov>  
**Sent:** Mon Apr 23 2018 13:13:23 GMT-0600 (MDT)  
**To:** "Julka, Clarice" <clarice\_julka@ios.doi.gov>  
**CC:** Robert Howarth <robert\_howarth@ios.doi.gov>, Cindy Cafaro <cindy\_cafaro@ios.doi.gov>  
**Subject:** Re: Note and question regarding Dep. Sec. approval

Clarice. Please follow the instructions from the Deputy for the upcoming release.

OS-2018-00959-00898

Juliette Lillie  
Director Executive Secretariat and Regulatory Affairs  
Department of the Interior

On Apr 23, 2018, at 3:10 PM, Julka, Clarice <[clarice\\_julka@ios.doi.gov](mailto:clarice_julka@ios.doi.gov)> wrote:

Please see Leah's email. Will this comply with the awareness protocol?

Clarice Julka  
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Date: Mon, Apr 23, 2018 at 3:05 PM  
Subject: Note and question regarding Dep. Sec. approval  
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Leah

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